



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MAY 3, 2007

No. 72

## House of Representatives

The House met at 10 a.m.

The Reverend Rick Astle, Director of Missions, Waccamaw Baptist Association, Conway, South Carolina, offered the following prayer:

Our Father in heaven, on this National Day of Prayer, we confess that Your way is perfect, Your Word is proven, and You are a shield to all who trust in You.

Make today a day when men are willing to repent of sin and to look to You for guidance, for Your seat is not on one side or the other of an aisle, but on the throne of heaven.

Interrupt the strategies of hate forming even now, such as what has manifested from Columbine to Virginia Tech, from Oklahoma City to Ground Zero.

Lord Jesus, each of our elected officials, locally and nationally, are on our hearts today, along with each man and woman in our Armed Forces and their families. Bless and protect them, Lord.

Pour out Your spirit today, that we may be assured that You are still blessing America.

I pray in Jesus' name. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING THE REVEREND RICK ASTLE

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Madam Speaker, I am pleased to introduce the Reverend Rick Astle, who just delivered the invocation for the U.S. House as we begin this National Day of Prayer, a time when communities across America will be joining in prayer for our country today. And what better person to begin this day than a man whose prayer ministry has carried him across our country and who has written a book on this very subject.

Born and reared in Oklahoma, now residing in Whiteville, North Carolina, he is married to the former Donna Strickland of Lumberton, who is with us today; and they have one son, John, who is a law student at North Carolina Central.

Rick was educated at the University of Kentucky and at Southern Baptist Seminary, and he has served Southern Baptist churches for over 30 years, has spoken in over 20 States, and is author of the book, *The Priority of Kingdom-Focused Prayer*, and now is the Director of Missions for the Waccamaw Baptist Association in Conway, South Carolina.

And as his brother-in-law, I am particularly honored to have him open us on this very special National Day of Prayer.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

### H.R. 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today's news indicates the Iraqis are beginning to be upset that the Bush administration, with the unfortunate help of this Congress, is trying to force the sovereign Government of Iraq to pass a hydrocarbon act which will give the U.S. oil companies control of \$6 trillion worth of Iraqi oil assets.

Now, the wealth of Iraq, the oil wells, ought to be decided by an Iraq Government not under U.S. occupation. But yet, in the bill that was vetoed yesterday, there was a provision that would have forced Iraq to have privatized its oil assets or the U.S. would pull our troops without having an international security and peacekeeping force in its place. That is nothing but extortion.

As Congress comes together to put a plan to get us out of Iraq, let's stop trying to steal Iraq's oil. Let's bring our troops home. Let's have an international peacekeeping and security force that can come in as our troops leave. It is time to take a new direction, and that is exactly what H.R. 1234 is about.

### MONEY FOR MONKEY BUSINESS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, this House last night, about 11:30 p.m., authorized money for some absurd projects, including the study of bison hunting on the prehistoric Great Plains and, get this, the study of the sex lives of the Phayre's Leaf monkeys.

Meanwhile, our troops in Iraq are running out of money to fight the bad guys. Why? Because some Members of Congress think they know more about conducting the war in Iraq than the Generals do. So this congressional surrender group refuses to send more money without also demanding the day the United States will retreat and quit the fight.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H4419

This Nation is at war with the people of hate. Those ill-informed people who are determined that we lose this conflict by keeping a tight fist on the war money have their priorities wrong.

Money for the study of monkey business, but no money for the troops is a mockery. Money for our troops is more important than investigating the sex lives of the Leaf monkeys and the study of prehistoric bison anyplace in the world.

Mr. Speaker, we need to work as late tonight to provide money for our U.S. warriors as we did last night to send money to the monkeys.

And that's just the way it is.

#### POWELL DOCTRINE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, in the wake of the Vietnam War, retired General Colin Powell outlined the Powell Doctrine, which stated simply that any future military action should include "massive force and a plausible exit strategy to avoid endless entanglement."

As we now know, from the very start of military operations in March 2003, President Bush fought the war in Iraq with an inadequate number of troops and never had an exit strategy, but simply believed the ideologues in the White House that Iraq would blossom into a self-governing democracy. On every score, his policy ignored the Powell Doctrine.

The President's veto on Tuesday of this week failed the test of the Powell Doctrine again. He rejected the plausible exit strategy outlined in the Iraq supplement, namely, a responsible redeployment of our troops out of Iraq's civil war 15 months from now, and instead reembraced his own policy of endless entanglement.

The people of this country deserve more than the political spin contained in the President's televised veto. We need to see his own plausible exit strategy, and, frankly, we need to see it from those who voted to sustain his veto, as General Powell put it. But, even more important, our soldiers and their families who are bearing the brunt of this war deserve a President who heeds the lessons of past military mistakes, not one who keeps repeating them.

#### IRAQ

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. The Democrats' supplemental bill was a crafty way to quit in Iraq. Now, certainly each of us individually, and even as leaders and nations, is tempted at various times in the face of overwhelming odds to quit and to give up; and yet greatness in leaders and greatness in nations is frequently measured by a stubborn and cussed determination to carry on.

We think, of course, immediately of George Washington at Valley Forge, we think of Winston Churchill challenging the people of England to rise up and to be strong against the Nazis; he loved to mispronounce it to bait Hitler. But we also recall in our own history how we were in Vietnam, how we bombed North Vietnam, and in the observation of Jeremiah Denton, who was a prisoner of war in Vietnam, how we were just very close to victory. North Vietnam was about to capitulate because of the bombing, and then we cut and run.

The test before us today is for the courage and the heart of not just the Iraqi people, but the American people. What are the measurements we should be looking at? It is not the day for the sunshine patriot, but for the cussed and the strong and the brave.

#### THE TEST OF PATRIOTISM IS COURAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Sometimes the test of patriotism is courage. And I would simply argue that every newspaper headline is not true. We, the Democrats, maintain the courage that America has asked us to exhibit, the love and respect for our soldiers, full funding in the emergency supplemental.

We also are to push the envelope. Isn't it interesting that Secretary Rice is now sitting down with a Syrian official, the same administration criticizing the Speaker of the House, who led to begin the diplomatic surge?

This is a failed policy. Vietnam was not a cut and run; our soldiers were victorious. So are the soldiers in Iraq; they are victorious. But this administration has failed and failed and failed.

The Democrats will maintain their courage. They are patriots. They believe it is time to bring our troops home, to entrust to the Maliki government the responsibility of sovereignty. It is important to lead the Iraqi people toward peace, not use our brave and valiant soldiers as shooting targets for a failed and miserable policy.

Patriots stand for courage, and the Democrats are courageous and will continue to do so.

□ 1015

#### CAMBODIA/IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as we debate our policy in Iraq, perhaps it's useful to consider a lesson from history.

In all the media coverage of the war supplemental debate, a shameful anniversary in our history slipped by, mostly unnoticed.

Last week marked the anniversary of Congress's decision to cut off military funding for our involvement in Southeast Asia. The result, as predicted, was genocide; 3 million innocent people slaughtered in Cambodia's killing fields.

Mr. Speaker, similar warnings exist today in Iraq. Observers from across the political spectrum say a precipitous withdrawal of U.S. forces from Iraq could very likely result in a region-wide bloodbath. No one wants to see this, yet withdrawal is what many in this body are pushing for.

Mr. Speaker, before we act, let's remember the lesson of history. And we all want our troops to come home safely, but we need to win first and then come home. Defeat, surrender and genocide are not acceptable alternatives.

And Mr. Speaker, as a personal note, I'd like to say before I end, welcome to the world to little Joseph Thomas Offutt, a new grandson, namesake born earlier this week, 9 pounds, 14 ounces. You've brought great joy and happiness to our family. May you enjoy a long, good life.

#### THAT DOG DOESN'T HUNT ANYMORE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. That dog doesn't hunt anymore. I'm sorry.

Three things that are never discussed on this floor, never. Number 1, the pilferaging that's going on in Iraq right now make the few hairs we have on our head left stand on end. It is a disgrace that the American people's money has been stolen, to this day.

Number 2, by the way yesterday, let me tell you what progress is. A half hour of electricity yesterday in Baghdad. I want to hear progress. Secondly, the redeployment of our troops. No one is saying cut and run. No one's saying throw out the American flag. You won't discuss redeployment to the borders to protect the safe havens.

Number 3, let's talk about the amount of refugees that are in Iraq. Two million have left the country. What about the 1 million of Iraqis who have had to get out of their homes, who have no food or shelter?

Don't you talk about progress. That dog doesn't hunt any longer. Face the facts. This is not reality TV.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their remarks to the Chair.

#### SUSTAINING THE VETO

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, following President Bush's veto of the Democrat plan for defeat, the House voted yesterday to uphold the veto and override the Democrat attempts to micromanage the war.

It is crucial that we achieve victory in Iraq as the central front in the global war on terrorism. Retreat will embolden our enemy. This will lead to the re-establishment of terrorist training camps from which our enemies would launch attacks against us and our allies.

We should trust the leadership of General David Petraeus and our military leaders. As the father of an Iraqi veteran and four sons in the military, I know firsthand of the excellence of our troops.

We must face the enemy overseas or we will face them again in the streets of America.

I urge Democrat leaders to work with Republicans to pass a clean supplemental bill and get our troops the funding they need to carry out their mission to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

#### NATIONAL DAY OF PRAYER

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, I rise to call attention to this, the first Thursday in May, as the National Day of Prayer. The 56th annual National Day of Prayer is being recognized today, May 3, across our great Nation in tens of thousands of ceremonies and services nationwide.

The National Day of Prayer traces its history back to 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a Nation. In 1952, a joint resolution of Congress was signed into law by President Truman. In 1988, President Reagan signed a law permanently marking the first Thursday of every May as the National Day of Prayer.

As in previous years, President George W. Bush signed a proclamation regarding the 2007 observance. He specifically asked that the Nation remember in their prayers the members of our Armed Forces, their families, as well as the students and families affected by the recent tragedy at Virginia Tech.

Chairman Shirley Dobson and Vice Chairman Brian Toon have done an outstanding job in coordinating these events that will take place across this land. Dr. Charles Swindoll will serve as Honorary Chairman.

Mr. Speaker, across the street, here on Capitol Hill in the Cannon House Office Building at noon is when the events will begin. However, whether you're in Washington, D.C., you're in Alabama, North Dakota, I encourage the American people to come together in the spirit of Jesus and take a few minutes to thank God for the blessings upon this Nation, and ask Him to guide and protect us in the days to come.

#### ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. MCGOVERN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 368) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

*Resolved*, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Davis of Alabama.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 364

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1592 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 364 provides for consideration of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, under a closed rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill, except those arising under clauses 9 and 10 of rule XXI. The rule provides that the committee amendment in the nature of a substitute, modified by the amendment printed in the Rules Committee report, shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended.

Mr. Speaker, I rise today in support of this rule and of the underlying legislation. H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, is a bipartisan piece of legislation that has already passed the House multiple times with Members from both sides supporting it.

In the 109th Congress, this legislation passed as an amendment to the Child Safety Act by a vote of 223–199. And in both the 108th and 106th Congresses, hate crimes legislation passed with bipartisan support.

With such a demonstrated history of strong bipartisan support, it should come as no surprise that this bill has also garnered the support of 171 cosponsors, Republicans as well as Democrats.

I would like to take note for my colleagues that H.R. 1592 has the support of more than 210 civil rights, education, religious and civic organizations. Equally as important, it has the support and endorsement of the law enforcement community, including the International Association of Chiefs of Police and the National Sheriffs Association.

Mr. Speaker, it makes sense that this bill has attracted such a wide range of support. Hate crimes are a serious problem everywhere. They continue to plague our society, and they happen in every State and in every community.

The Federal Bureau of Investigation has documented over 113,000 hate crimes since 1991. In 2005 alone, nearly 7,200 crimes were identified by the FBI as hate crimes. But despite this marked occurrence of violent hate crimes, current law limits the ability of the Federal Government to provide assistance to States and localities to prosecute and investigate these crimes. It is long past time that Congress address these shortcomings.

Mr. Speaker, some will claim that this law is not needed. Others will claim that it adversely affects free speech. I strongly, very strongly disagree with both these claims.

First, while we have made progress toward equality in many facets of our society, hate crimes continue to spread in cities and towns across the country.

The main reason why we have been unable to aggressively pursue and prosecute hate crimes is because law enforcement agencies in our States and towns lack the tools and resources.

I'd like to point out that this legislation has been endorsed by 31 Attorney Generals from all across the country, the very people who can attest to how critical this legislation is to stemming hate crime violence and to prosecuting and punishing the perpetrators of violent hate crimes.

Secondly, with respect to whether this legislation will have a negative impact on free speech, simply put, it will not. H.R. 1592 does not punish or prohibit in any way first amendment rights. It does not affect name-calling, verbal abuse, hateful expression or hate-filled speech. It only addresses violent criminal acts. In fact, there is a first amendment free expression and free exercise provision explicitly included in this bill.

Mr. Speaker, H.R. 1592 solely applies to bias motivated violent crimes. It does not infringe upon freedom of speech. It can only be applied to violent crimes that result in death or bodily injury where the motivation was based on the bias against a person's perceived race, religion, ethnicity, sexual orientation, gender, gender identity or disability.

I want to remind all of my colleagues that behind all of the statistics of hate crimes, there are real people, people who were targeted for violence and who suffered violent attacks simply because of who they are.

Let me tell you a story of Lisa Craig, a 35-year old mother of two from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed, and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers who, earlier in the evening, had been shouting anti-gay epithets at the couple.

Lisa Craig's case is just one of thousands, but it demonstrates the bloody results of hate crimes. We need to prevent hate crimes like the one suffered by Lisa Craig from ever occurring again, and we need to give our State and local law enforcement officers and court officials the ability to prosecute and punish the perpetrators of such violent acts for what they are, hate crimes. Passing H.R. 1592 will enable our police, our prosecutors, our judges and our courts to do just that.

Mr. Speaker, I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me the customary 30 minutes.

Mr. Speaker, I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

□ 1030

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this closed rule and the underlying bill, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, no one supports violent acts of crimes committed out of hatred toward a person based on personal characteristic whether that is ethnicity, gender, religion, weight, height, age, eye color, profession, socioeconomic background, or political beliefs. If someone commits a crime, they should be punished for that crime. Period.

Instead, today, the Democrat majority has chosen to end equality under the law and to bring legislation to the House floor that creates special categories of people. Specifically, this bill allows Federal assistance to be given to State and local law enforcement to investigate and prosecute felonies that are believed to be motivated by prejudice based on actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bill also makes certain crimes a felony in cases where the perpetrator was believed to be motivated by bias and there has been a history of such bias-motivated violence.

Separate treatment is afforded for crimes based on hate against protected classes of citizens under this bill, as opposed to crimes against victims that are not in a protected category. As we learned decades ago, separate is not equal.

The Law Enforcement Hate Crimes Prevention Act is a bad bill and should not be brought to the floor, but especially under the closed process that does not allow for any changes or improvements to the underlying bill.

Eighteen thoughtful amendments were submitted to the Rules Committee yesterday, and sadly, not one of these amendments was allowed to be considered by the full House of Representatives. I am disappointed the Democrat majority again has missed an opportunity to live up to their commitment of allowing input under an open process.

Mr. Speaker, how many special categories of people should this bill create? Have all characteristics for which there has been a history of bias-motivated violence been included in this bill? Should more categories be added and should some be excluded from this bill?

Under this closed rule, these questions will not be answered today by Members of the House through the amendment process.

Yesterday, Mr. FORBES of Virginia offered an amendment to this bill that would expand the list of protected categories of individuals to include members of the Armed Forces. If you believe the government should afford special treatment to crimes committed against special groups of citizens, then why not our military men and women?

Why aren't those who volunteer to protect our country's freedom not afforded this protected status?

Mr. GOHMERT of Texas offered an amendment that would add law enforcement officers to the list. There have been several instances where gang members and would-be gang members have targeted and killed law enforcement officers because of their hatred towards them for choosing to go to work each day to protect our communities. Is committing a crime against law enforcement officers simply because their job is to uphold our laws a crime not deserving of special assistance to investigate and prosecute that crime?

Crimes have been committed against senior citizens, and an amendment was offered to include them under the hate crimes legislation, but that amendment, too, was not allowed under this closed rule today.

The question remains, if the Law Enforcement Hate Crimes Prevention Act creates special protection, then whom should it create special protection for? Because this bill is being brought up under a closed rule, Members of the House and the people they represent will not have an opportunity to voice their opinion on this question through the amendment process.

Mr. Speaker, I must oppose this closed rule, which not only gags the minority party, but gags all Members of the House, who will be denied the right to offer improvements to this legislation. I urge my colleagues to oppose the gag order rule and the underlying bill that creates special categories of citizens and ends equality under the law.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I submit for the RECORD a letter signed by 31 State attorneys general, including the Republican attorney general of the State of Washington, in strong support of the underlying legislation.

APRIL 16, 2007.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives, The Capitol, Washington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, The Capitol, Washington, DC*

Hon. JOHN BOEHNER,  
*Minority Leader, House of Representatives, The Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate, The Capitol, Washington, DC.*

We, the undersigned Attorneys General, are writing to express our strong support of Congressional efforts towards the immediate passage of federal hate crimes legislation. As the chief legal officers in our respective jurisdictions, State Attorneys General are on the front lines in the fight to protect our citizens' civil rights. Although state and local governments continue to have the primary responsibility for enforcing criminal law, we believe that federal assistance is critical in fighting the invidious effects of hate crimes.

This much needed legislation would remove unnecessary jurisdictional barriers to permit the U.S. Department of Justice to

prosecute violent acts motivated by bias and hate and complement existing federal law by providing new authority for crimes where the victim is intentionally selected because of his or her gender, gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by the victim's race, religion, or national origin when that person is engaged in a federally protected activity, such as voting. Legislative proposals, such as the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were committed while the victim was engaged in protected activity.

Removing this outmoded jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' fundamental civil rights. In 2005, the most recent figures available, the FBI documented 7,163 crimes reported from 12,417 law enforcement agencies across the country. Yet, it is not the frequency or number of hate crimes, alone, that distinguish these acts of violence from other crimes. Rather, our experiences as prosecutors have shown us, that these crimes can have a special impact on victims, their families, their communities and, in some instances, the nation. Indeed, in *Wisconsin v. Mitchell*, 508 U.S. 47 (1993), Chief Justice William Rehnquist wrote for a unanimous Supreme Court in upholding the constitutionality of enhanced penalties for crimes motivated by bias or hate against a person because of race, religion, color, disability, sexual orientation, national origin or ancestry. In so ruling, the Court recognized that "bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest." Hate crimes have led to the polarization of communities, increases in security needs at schools and churches, declines in property values and the creation of an overall atmosphere of fear and distrust. All too often that climate has hindered the efforts of local law enforcement and placed the lives of police officers and civilians in jeopardy.

As the chief legal and law enforcement officers of our respective states, we are mindful that the overwhelming majority of criminal cases should be brought by local police and prosecutors at the state level. However, in those rare situations in which local authorities are unable to act, measures such as the LLEHCPA and others provide a backstop to state and local law enforcement by allowing federal involvement if it is necessary to provide a just result. These measures would provide invaluable tools to federal law enforcement to help state authorities in their fight against hate crimes. Therefore, we strongly urge the passage of important hate crimes legislation by the 110th Congress.

Sincerely,

Lisa Madigan, Attorney General of Illinois; Mark Shurtleff, Attorney General of Utah; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Mark J. Bennett, Attorney General of Hawaii; Tom Miller, Attorney General of Iowa; Gregory D. Stumbo, Attorney General of Kentucky; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Douglas Gansler, Attorney General of Maryland.

Martha Coakley, Attorney General of Massachusetts; Lori Swanson, Attorney General of Minnesota; Jeremiah W.

Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Catherine Cortez Masto, Attorney General of Nevada; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Marc Dann, Attorney General of Ohio; Hardy Myers, Attorney General of Oregon; Patrick Lynch, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virgin Islands; Rob McKenna, Attorney General of Washington.

Let me also say, Mr. Speaker, that I stand by this rule. We are talking about life and death issues here. We are talking about people's civil rights. And, unfortunately, I think it is clear that there are some on the other side of the aisle who oppose the expansion of civil rights protections for threatened groups living in the United States, and I believe they are flat wrong. But this gives the Members, every Member of the House, the opportunity to vote up or down on whether or not they believe that we should expand protections. I think this is an appropriate rule, and I strongly support the underlying bill.

Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. In doing so, I join with the majority of Americans and law enforcement agencies who understand that violent acts fueled by bigotry and hatred of a particular group simply because of who they are has no place in America.

H.R. 1592, and this rule, strengthens and broadens protections for our neighbors for attacks based on disability, gender, and sexual orientation. This bill provides local law enforcement with tools needed to partner with our Federal law enforcement agencies to investigate and prosecute these hateful acts.

Why is it needed? Well, unfortunately, in my area of Florida, bigoted crimes are on the rise. This week police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a local high school.

Last month, a Polk County man was stabbed to death for being gay.

Also last month, the Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold religious services.

Last year, two men in neighboring Polk County were jailed on hate crime charges after they threw beer bottles at a club owner in Tampa, who happened to be speaking Arabic, and threatened to kill him.

According to my local State attorney general's offices, 334 hate crimes were

reported in Hillsborough and Pinellas Counties in 2004, up from 275 in 2003. Fifty-two of those hate crimes were motivated by sexual orientation in 2004.

Nationwide, victims of hate crimes have reported an average of 191,000 hate crime incidents since the year 2000.

This bill says that we as Americans do not stand for violent acts upon our neighbors based upon who they are; we will not tolerate terrorism against any group of people; and we will provide our local law enforcement agencies with the tools needed to prosecute you when you use violence to spread fear and hate.

Members, I urge you to pass this important bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee, but more importantly, a former attorney general for the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

Let's understand what this is. This is a closed rule suggesting that this is a perfect bill. This is anything but a perfect bill. People ought to understand that we are denied the opportunity to present a single amendment on this floor, and let me explain to my colleagues the single amendment I wish to bring to the floor.

This bill defines hate crimes to include a number of different subjects. One of them is a crime committed against someone where the hate was motivated by hatred for their sexual orientation. "Sexual orientation" appears as an undefined term in the bill.

I offered a simple amendment to define sexual orientation as it is noted in the U.S. Code, the only specific reference to a definition in the U.S. Code, which is a note that is a footnote in the statute which directs the Sentencing Commission to take into consideration hate motivation when they want to enhance penalties. There is no statutory definition of it, however, with respect to the crime itself. And that note refers to sexual orientation simply as consensual homosexual or heterosexual conduct.

Now, why would they not allow us to have that simple amendment, which when we discussed it in committee, I was told that is what they meant the bill to be? The chairman of the committee said to me it sounded like a reasonable amendment because that's exactly what they intended it to be. So why don't we have the opportunity to offer this amendment on the floor? I do not know.

And why would I be concerned about a failure for us to define this term? Because if you use the term "sexual orientation" and use the definition found in the dictionary of those two words, it means any orientation of sexual conduct. Now, why would I be concerned, being a former attorney general of the

State of California and having served in this Congress now for seven terms representing my State? Because I recall some 20 years ago when a debate ensued in my then-existing district in Palos Verdes, California, where the local chapter of NAMBLA, which is the North American Man/Boy Love Association, NAMBLA, and the dispute was that they wanted to have their local chapter meetings at the local library. Some of you may have seen their banners in certain parades that take place in San Francisco, where NAMBLA, instead of hiding, proudly proclaims their position of "sexual orientation." They argue, for instance, that we are denying children their right to have sexual expression with adults and that somehow we are hampering their development.

I am not making this up, my colleagues. This is a fact. And under a nondefined term of "sexual orientation," that very well may be included.

I could give you other examples, but that is a current example. And in order to make sure that that kind of activity is not enshrined in the law and given special protection, I asked for this simple amendment. And when I was in debate in the committee, I was told by the chairman that it made ample sense and we ought to work to do that.

So then I go before the distinguished Committee on Rules, make this presentation, have no argument against it, and yet am denied the simple opportunity to offer that.

So the question is why? If you don't want to extend this definition, if you don't want to have this free play out there in the legal atmosphere, why do you deny me the opportunity to present this simple amendment? Is there a hidden agenda here? Is there something we don't know? Are we flying under false flags here? What are we doing?

This is more, my colleagues, than just a dispute between the majority versus the minority on the Rules Committee. This is more than just hampering the minority. This is a question of simple definition which goes to a crucial question in our society today.

So my concern, my colleagues, is not fanciful. It is not made up. It is not something that may happen in the future. This is based on an experience that I have seen for 20-plus years in my home State. And yet when I asked to have this considered, I was told that it made eminent sense, we basically hear a great silence. A great silence.

Now, we can have games here in the House of Representatives, majority versus minority, but when it affects the lives of our constituents, when it affects in a very real way a serious social question in our society, it seems to me we ought to rise above this kind of nonsense, and we ought to at least give the Members the opportunity to consider it.

Maybe the Members don't agree with me. Maybe the Members think we ought to expand this definition. But at

least we ought to have the chance to debate it.

□ 1045

Last time I checked, we're not under a time clock here that requires us to leave. We could consider this.

So I would ask my colleagues to please vote down this rule. Allow us to bring forward a rule that allows consideration of these and other amendments.

Mr. MCGOVERN. Mr. Speaker, before I yield to the gentlelady from Texas (Ms. JACKSON-LEE), I would like to give my colleagues a couple of examples of the kinds of crimes that we're talking about here.

In Los Angeles, California, 2003, after seeing him hugging another man on the street, three men attacked Treve Broudy, who was 34 years old, with a baseball bat. The incident left Broudy in a coma. Broudy was also hospitalized for approximately 10 weeks after the attack, and has lost half of his vision and has experienced trouble hearing.

In Charlottesville, Virginia, in 1997, James Kittredge was attacked by three young men he offered a ride to outside of a gay club in Charlottesville, Virginia. The men offered to take him to party, but instead they dragged Kittredge out of his car, where they beat him, smashing eight of his ribs and eye socket, urinated on him, put cigarettes out on him and locked him in his own trunk. He was found over a day later.

I can go on and on and on with examples of these hate crimes, but this is what we are trying to prevent, Mr. Speaker.

Mr. Speaker, at this point, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the Rules Committee for very diligent and thorough review. About 14 Members of Congress were able to present their case before the Rules Committee.

I think it is important, Mr. Speaker, to reaffirm that this is about hate. There are already well-recognized doctrines and no disagreement that no matter who you are as an adult, sex with children is wrong. Many of us have enthusiastically supported Federal laws that already oppose that kind of abuse and violation.

It is important to note that not only in the Rules Committee did Members have the opportunity to make the case as to the relevance of their amendments to this bill, but we sat for hours and hours in the Judiciary Committee going over amendment after amendment, amendments that were not about hate. They were, of course, certainly elements that one could raise, but they were protected in other aspects of the law. This bill pertains specifically to historical documented cases that, be-

cause of your disability or because of your race, because of your gender, because of your gender identity you have been abused.

You have not seen the depth of degradation unless you've listened to people who have come to you in tears, who cannot, for any reason, tell you why they are who they are, but they say they are who they are, sort of a mix of words. And the pain of living as a human being who is rejected every day of their life, fearful that they may encounter brutality, that is the simplicity of this bill. That is why 31 Attorney Generals currently serving have said we need this. That is why they have asked the Federal Government simply to help us calm the communities, prosecute the cases, make sure that those who have a historical investment in themselves, who they are, can be protected; that a young Hispanic teenager does not have to be brutalized by skinheads. It is emotional, it is fearful, but it is true.

And so when my colleagues talk about this rule, let me assure you that hours upon hours of attention to amendments have already been given, debated, presented. But what we have tried to do is to answer the pain, answer the violence, and yes, answer the call of 31 attorneys of the United States of America.

Pass this rule so that we can debate the question of preventing hate.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, this is a critical piece of legislation, not from the good that it will do, but from the chilling and even killing effect it will have down the road on free speech.

Now, I know that there are people that have said that this is an over-reaction, much like people said in 1935 and 1936 that those nuts here on the floor that were concerned Social Security numbers, once created, might be used as identification numbers, and they were promised and assured that it would not happen. But some folks here could see down the road where it was going.

Now, the rule on this is so grossly unfair. If you really want to deal with hate crimes, what about the hate crimes for the elderly? We've seen that recently. They're not part of this. No, that wasn't part of the agenda. You can have a 100-year-old woman beat up by some mean thug, but that doesn't count; we're not going to prosecute. She doesn't deserve protected status.

Frankly, I had a hard time believing we were taking up this law immediately after the tragedy at Virginia Tech. We even had a Holocaust survivor that was randomly shot. I had an amendment proposed that was struck in committee, and the rule being proposed is a closed rule, no amendments, but that would address random violence. Because what we see is a Federal offense where a defense will be, you



know what, I didn't hate these people, I just randomly chose someone. It's a senseless act of violence. That will be a defense to an important element of this new created Federal offense.

Another thing we keep hearing people say is, and I had an amendment to address this, is being shut out. We should have had a right to vote on this. People say, well, no, you are specifically protected under the rule of evidence provision in this law. We even had Mr. DAVIS' amendment that further said religious speech is protected. But what they don't point to is what I'm pointing to, under that it says, "It may not be introduced as substantive evidence at trial, unless the evidence specifically relates to the offense."

Well, when you tie that with current existing Federal law, 18 U.S.C. 2(a), the law of principals, which is a good law, most States have it, the Federal Code has it, it says, Whoever aids, abets, counsels, commands, induces or procures a crime's commission is punishable, just as the principal. And for those of us who have been judges or prosecutors and have prosecuted or seen prosecuted people as a principal who didn't commit the offense, but they induced it, then you know every statement, things that you said to induce, could be introduced. That's where they go after ministers.

I think a large part of this is the fact that many people do not understand a Christian heart because they just don't like people that disagree with them. Whereas the Christian, the true Christian heart can disagree with people and love them, love them deeply and be willing to give their lives for them.

This is an unfair law, the way the rule is being put to it. We are not going to protect religious speech because you can go after a minister, and this came up in committee, you can go after a minister who says, gee, relations outside of a marriage with a man and a woman is wrong. Someone goes out after hearing that, shoots somebody, and then he says, well, the preacher told me it was wrong, that's what induced me to do that, the sermons, the Bible teachings, whatnot, that the preacher used that this person may have heard are all relevant on whether or not he was a principal and can go to prison for the actual shooting. And it also provides that nothing changes the rule of impeachment.

So if he says, well, no, I never advocate violence, well, here comes everything he has ever said, his hard drives, his files, and we had an amendment to deal with that, and we were not allowed to use it.

This is not a good law. These things are already protected. We ought to have an open rule to fix it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a bad rule because it's a closed rule, which has been demonstrated with the observations of Mr. LUNGREN and Mr. GOHMERT.

Mr. Speaker, if someone commits a crime, they should be punished. Period. This is a bill that ends equality under the law by authorizing \$10 million in grants over 2 years to State and local law enforcement to combat hate crimes targeted to special categories of people. It is a bad bill. This rule is a bad bill, not allowing for improvement, so I ask Members to oppose the rule and the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I will insert into the RECORD at this time a list of endorsements from law enforcement organizations all across the country. I will also submit for the RECORD the endorsement of the National Education Association, the Religious Action Center of Reformed Judaism, the Matthew Shepard Foundation and the UAW.

LOCAL LAW ENFORCEMENT HATE CRIME  
PREVENTION ACT OF 2007  
LAW ENFORCEMENT SUPPORT FOR THIS  
LEGISLATION

This legislation has received bipartisan majority support in Congress. In the last session of Congress, on September 14, 2005, the House of Representatives approved the measure as an amendment to the Children's Safety Act by a vote of 233-199. The Senate has approved the bill on two occasions since 2000, most recently in June, 2004 by a vote of 65-33. Unfortunately, in the past, the House leadership has acted to block approval of this legislation.

The measure also enjoys the support of over 210 civil rights, professional, civic, and religious groups, 31 state Attorneys General, former Attorney General Dick Thornburgh, and a number of the most important national law enforcement organizations, including:

Federal Law Enforcement Officers Association, Hispanic American Police Command Officers Association, Hispanic National Law Enforcement Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, Major Cities Chiefs Association, National Asian Peace Officers Association, National Black Police Association, National Center for Women & Policing, National Coalition of Public Safety Officers, National District Attorneys Association, National Latino Police Officers Association, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, Police Executive Research Forum, Police Foundation.

Here's what some of them are saying about the legislation:

*Police Executive Research Forum*

"This measure is critical to helping law enforcement effectively address the ravaging effects on hate crimes on both the victims of these crimes and the communities destabilized by the fear and anger they generate . . . In the past, PERF has opposed efforts to expand the federal government's authority over traditionally local crimes. However, given the unusual nature of hate crimes and the substantial gaps in state laws, PERF believes in a significant federal role in combating hate crimes."—Excerpts from letter to Members of Congress from Chuck Wexler, Executive Director, PERF, July 19, 2004.

*National Sheriffs' Association*

"On behalf of the more than 22,000 members of the National Sheriffs' Association I am writing to seek your support for . . . the Local Law Enforcement Enhancement Act

[LLEEA]. Unfortunately, there are situations where state and local authorities are unable to properly investigate these crimes. This legislation overcomes those situations . . . The passage of LLEEA will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes."—Excerpts from letters to congressional leadership from Sheriff Aaron D. Kennard, Salt Lake City, Utah, President, National Sheriffs' Association, July 21, 2004. Dick Thornburgh, Former U.S. Attorney General

"I would like to express my strong support for the passage of . . . the Hate Crimes Prevention Act . . . From my experiences as a Governor, the Attorney General, and as a parent of a child with a disability, I can attest to the importance of this legislation . . . Please add my name to the list of supporters for the passage of this important legislation."—Excerpts from letter to the Honorable Orrin G. Hatch, Sept. 29, 1998.

*International Association of Chiefs of Police*

"On behalf of the International Association of Chiefs of Police (IACP), I am writing to urge you to vote in support of . . . the Local Law Enforcement Enhancement Act . . . The passage of the Local Law Enforcement Enhancement Act will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes. The IACP urges you to vote for [the Local Law Enforcement Enhancement Act] . . ."—Excerpts from letter to the Senate from Daniel N. Rosenblatt, IACP Executive Director, Alexandria, Virginia, July 19, 2004.

*Albany County Sheriff's Department*

"As you know, last week saw the conclusion of the trial of Aaron McKinney for the murder of Matthew Shepard, a case on which we worked day and night for the last year . . . We believe justice was served in this case, but not without cost. We have been devastated financially, due to expenses incurred in bringing Matthew's killers to justice. For example, we had to lay off five law enforcement staff. We do not want the federal take over of hate crimes, but communities like ours must be able to call upon the expertise and resources of the federal government. This approach worked very well in Jasper, Texas in the case of James Byrd Jr. Because of the multiple jurisdiction granted by current federal law related to race-based hate crimes, Jasper was able to access approximately \$284,000 in federal Byrne grant money. These grants are only available when a federal jurisdictional basis exists. Presently, unlike race, color, religion and national origin, sexual orientation is not covered. We believe this is a grave oversight that needs to be corrected . . . We respectfully urge you to do everything you can to give law enforcement the tools it needs to fight crime in this country."—Excerpts from letter to House Speaker Dennis Hastert from Sheriff James Pond and Detective Sergeant Robert DeBree, Albany County Sheriff's Department, Nov. 11, 1999.

*Eric Holder, Former U.S. Deputy Attorney General*

"The enactment of H.R. 1082 [bill number for Hate Crimes Prevention Act, 106th Congress] would significantly increase the ability of state and federal law enforcement agencies to work together to solve and prevent a wide range of violent crimes committed because of bias based on the race, color, national origin, religion, sexual orientation, gender, or disability of the victim. This bill is a thoughtful, measured response to a critical problem facing our Nation."—Excerpts from testimony before the House Judiciary Committee hearing on hate crimes, Aug. 4, 1999.

*Jeanine Pirro, District Attorney from Westchester County, N.Y.*

"The vast majority of criminal prosecutions are brought by local prosecutors . . . That is the way it should remain . . . However, there are times when states are unable or unwilling to recognize and address fundamental issues vital to our society. And, when that time comes, the federal government must act. Hate crime is a civil rights issue, and the proper role of the federal government in controlling this menace should mirror federal action in other areas of civil rights . . . I maintain hope that immediate federal action on this pressing issue will encourage states . . . to enact legislation of their own . . ."—Excerpts from testimony before the Senate Judiciary Committee, May 11, 1999.

*Laramie, Wyoming, Police Department*

"When it comes to the families of hate crime victims, Congress needs to also be able to look these people in the eyes and say it is doing all it can. In all honesty, right now they cannot say this. There is much more they can do to assist us in helping these families—if they can only find the political will to do so . . . Yes, justice was served in the end during the Shepard investigation. But the Albany County Sheriff's office had to furlough five investigators because of soaring costs. If the Local Law Enforcement Enhancement Act were passed, this would never have happened . . ."—Excerpts from press statement made by Commander David O'Malley, chief investigator in the murder of Matthew Shepard, Sept. 12, 2000.

*National Association of Attorneys General*

"We are writing to express our enthusiastic support for the passage of . . . the Hate Crimes Prevention Act . . . Although state and local governments will continue to have the principal responsibility, an expanded federal role in investigating and prosecuting serious forms of hate crimes is critically needed if we are to be successful in addressing and deterring these crimes in our nation. The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and the United States Attorneys to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crimes legislation."—Excerpts from letter signed by 31 State Attorneys General to Speaker Dennis Hastert, Majority Leader Bill Frist, House Minority Leader Nancy Pelosi and Senate Minority Leader Harry Reid, April, 2006.

*National Center for Women & Policing*

" . . . I want to assure you of our support for the Hate Crimes Prevention Act . . . We realize the significance of this important piece of legislation."—Excerpts from letter from Chief Penny Harrington, Director, National Center for Women & Policing, to Elizabeth Birch, Human Rights Campaign, March 23, 2000.

*National District Attorneys Association*

"On behalf of the members of the National District Attorneys Association, I am writing to express our organization's support of . . . the 'Local Law Enforcement Enhancement Act of 2005.' . . . With local law enforcement and prosecutors investigating and prosecuting approximately 95 percent of the crimes committed such assistance would certainly provide state and local officials with the necessary tools to address crimes motivated by hate. The National District Attorneys Association supports [the bill] not only because of its proposal to provide additional resources and federal assistance to state and local authorities for the investigation and prosecution of hate crimes but also its recognition of the primacy of state and local ju-

risdiction over such crimes."—Excerpts from letter to The Honorable Edward M. Kennedy, April 14, 2006.

*Police Foundation*

"The Police Foundation urges you to support . . . [the] Local Law Enforcement Enhancement Act. Hate crimes are extremely debilitating to individuals, groups, and entire communities, and the prevention, investigation, and prosecution of these crimes present important challenges for local law enforcement . . . This legislation will be of valuable assistance to state and local agencies . . ."—Excerpts from letter to Members of Congress from Hubert Williams, Chairman of the Board, Police Foundation, July 26, 2004.

Updated January, 2007.

#### SUPPORT FOR THIS LEGISLATION

The Local Law Enforcement Hate Crimes Prevention Act is supported by thirty-one state Attorneys General and over 210 national law enforcement, professional, education, civil rights, religious, and civic organizations.

A. Philip Randolph Institute, AIDS National Interfaith Network, African-American Women's Clergy Association, Alliance for Rehabilitation Counseling, American-Arab Anti-Discrimination Committee, American Association for Affirmative Action, American Association of University Women, American Association on Mental Retardation, American Citizens for Justice, American Civil Liberties Union, American Council of the Blind, American Counseling Association, American Ethical Union, Washington Office, American Federation of Government Employees, American Federation of Musicians, American Federation of State, County, and Municipal Employees, AFL-CIO, American Federation of Teachers, AFL-CIO, American Foundation for the Blind, American Jewish Committee.

American Jewish Congress, American Medical Association, American Music Therapy Association, American Network of Community Options and Resources, American Nurses Association, American Speech-Language Hearing Association, American Therapeutic Recreation Association, American Psychological Association, Americans for Democratic Action, American Veterans Committee, And Justice For All, Anti-Defamation League, Aplastic Anemia Foundation of America, Inc., Arab American Institute, The Arc of the United States, Asian American Justice Center, Asian American Legal Defense & Education Fund, Asian Law Caucus, Asian Pacific American Labor Alliance, Asian Pacific American Legal Center.

Association for Gender Equity Leadership in Education, AYUDA, Bazelon Center for Mental Health Law, Bi-Net, B'nai B'rith International, Brain Injury Association, Inc., Business and Professional Women, USA, Catholics for Free Choice, Center for Community Change, Center for Democratic Renewal, Center for the Study of Hate & Extremism, Center for Women Policy Studies, Central Conference of American Rabbis, Chinese American Citizens Alliance, Christian Church Capital Area, Church Women United, Coalition of Black Trade Unionists, Coalition of Labor Union Women, Communication Workers of America.

Congress of National Black Churches, Consortium of Developmental Disabilities Councils, Cuban American National Council, Disability Rights Education and Defense Fund, Disciples of Christ Advocacy Washington Network, Easter Seals, The Episcopal Church, Equal Partners in Faith, Evangelical Lutheran Church of America, Office for Government Affairs, Fair Employment Council of Greater Washington, Family

Pride Coalition, Federal Law Enforcement Officers Association, Federally Employed Women, Feminist Majority, Gay, Lesbian and Straight Education Network, Gender Public Advocacy Coalition, General Federation of Women's Clubs, Goodwill Industries International, Inc., Hadassah, Hispanic American Police Command Officers Association.

Hispanic National Law Enforcement Association, Human Rights Campaign, Human Rights First, The Indian American Center for Political Awareness, Interfaith Alliance, International Association of Chiefs of Police, International Association of Jewish Lawyers and Jurists, International Association of Jewish Vocational Services, International Brotherhood of Teamsters, International Dyslexia Association, International Union of United Aerospace and Agricultural Implementations, Japanese American Citizens League, Jewish Council for Public Affairs, Jewish Labor Committee, Jewish War Veterans of the USA, Jewish Women International, JAC-Joint Action Committee, Justice for All, LDA, The Learning Disabilities Association of America, Labor Council for Latin American Advancement, Latino/a, Lesbian, Gay, Bisexual & Transgender Organization, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil Rights, LEAP—Leadership Education for Asian Pacifics, Inc., Learning Disabilities Association of America, League of Women Voters.

League of United Latin American Citizens (LULAC), Log Cabin Republicans, Major Cities Chiefs Association, MALDEF—Mexican American Legal Defense & Education Fund, MANA—A National Latina Organization, Maryland State Department of Education, Matthew Shepard Foundation, The McAuley Institute, National Abortion Federation, NAACP, NAACP Legal Defense and Educational Fund, Inc., NA'AMAT USA, NAKASEC—National Korean American Service & Education Consortium, Inc., National Asian Pacific American Women's Forum, National Asian Peace Officers Association, National Association for Multicultural Education, National Association of Commissions for Women, National Alliance for the Mentally Ill, National Alliance of Postal and Federal Employees, National Asian Pacific American Bar Association.

National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans, National Association of Collegiate Women Athletics Administrators, National Association of the Deaf, National Association of Developmental Disabilities Councils (NADDC), National Association of Latino Elected and Appointed Officials (NALEO), National Association of Lesbian, Gay, Bisexual and Transgender Community Centers, National Association for Multicultural Education, National Association of People with AIDS, National Association of Private Schools for Exceptional Children, National Association of Rehabilitation Research and Training Centers, National Association of School Psychologists, National Association of Social Workers, National Black Police Association, National Black Women's Health Project, National Center for Lesbian Rights, National Center for Transgender Equality, National Center for Victims of Crime, National Center for Women & Policing, National Coalition Against Domestic Violence.

National Coalition for Asian Pacific American Community Development, National Coalition of Anti-Violence Programs, National Coalition on Deaf-Blindness, National Coalition of Public Safety Officers, National Conference for Community and Justice (NCCJ), National Congress of American Indians, National Council of Churches of Christ in the USA, National Council of Jewish Women,



National Council of La Raza, National Disability Rights Network, National District Attorneys Association, National Education Association, National Federation of Filipino American Associations, National Gay and Lesbian Task Force, National Hispanic Leadership Agenda (NHILA), National Italian American Foundation, National Jewish Democratic Council, National Korean American Service and Education Consortium, National Latino Police Officers Association, National League of Cities.

National Mental Health Association, National Multicultural Institute, National Newspaper Publishers Association, National Organization of Black Law Enforcement Executives, National Parent Network on Disabilities, National Partnership for Women & Families, National Puerto Rican Coalition, Inc., National Rehabilitation Association, National Respite Network, National Sheriffs' Association, National Spinal Cord Injury Association, National Spiritual Assembly of the Baha'is of the United States, National Therapeutic Recreation Society, National Urban League, National Victim Center, National Women's Law Center, National Youth Advocacy Coalition, NOW—National Organization for Women, NOW Legal Defense & Education Fund, NETWORK, A National Catholic Social Justice Lobby.

Organization of Chinese Americans, ORT—Organization for Educational Resources and Technological Training, Paralyzed Veterans of America, Parents, Families and Friends of Lesbians and Gays, People For the American Way, Police Executive Research Forum, Police Foundation, Presbyterian Church (USA), Washington Office, Pride at Work, Project Equality, Inc., Rainbow/PUSH Coalition, Rehabilitation Engineering and Assistive Technology Society of North America, The Rabbinical Assembly, Rock the Vote, Service Employees International Union—AFL-CIO, Sikh American Legal Defense and Education Fund (SALDEF), Society for the Psychological Study of Social Issues, South Asian American Leaders of Tomorrow (SAALT), Southeast Asia Resource Action Center, Spina Bifida Association of America.

Union of Reform Judaism, Union of Needletrades, Industrial & Textile Employees (UNITE), Unitarian Universalist Association, United Church of Christ—Office of Church in Society, United Food and Commercial Workers International Union, United Methodist Church—General Commission on Religion and Race, The United States Conference of Mayors, United States Student Association, United Synagogue of Conservative Judaism, The Woman Activist Fund, Inc., Women of Reform Judaism—Federation of Temple Sisterhoods, Women Work!, Women's Alliance for Theology, Ethics & Ritual, Women's American ORT, YWCA of the USA.

Updated February, 2007

APRIL 30, 2007.

Hon. JAMES P. MCGOVERN,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the National Education Association's 3.2 million members, we would like to urge your support for the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1592), scheduled for floor debate this week. Votes associated with these issues may be included in the NEA Legislative Report Card for the 110th Congress.

In spite of our nation's substantial advances toward equality over the past 40 years, prejudice and hatred continue to lead to violence. As educators, NEA members share a commitment to protecting the civil and human rights of our students and communities. We believe the federal government must play a leadership role in confronting criminal acts motivated by prejudice.

NEA has taken aggressive steps to address the issue of hate crimes in the context of schools and school districts. NEA and its affiliates have worked to develop training for educators and programs for students regarding hate crimes and human relations skills. But our efforts in this area will not be successful absent a comprehensive federal/state/local partnership to address hate crimes.

This legislation has strong bipartisan support in Congress; the support of more than 210 law enforcement, civil rights, civic and religious groups; and the support of the overwhelming majority of American people. We urge your support for this important initiative.

Sincerely,

DIANE SHUST,  
Director of Govern-  
ment Relations.

RANDALL MOODY,  
Manager of Federal  
Advocacy.

RELIGIOUS ACTION CENTER  
OF REFORM JUDAISM,  
April 30, 2007.

DEAR REPRESENTATIVE, On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, I urge you to vote for H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007 (LLEHCPA).

All violent crimes are reprehensible, but the damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes rend the fabric of our society and fragment communities; they target a whole group of people, not just the individual victim. By providing new authority for federal officials to investigate and prosecute cases in which the violence occurs because of the victim's real or perceived sexual orientation, gender identity, gender, or disability, the LLEHCPA will significantly strengthen the federal response to these horrific crimes.

This legislation only applies to bias-motivated crimes, and will not affect lawful public speech or preaching in any way. States will continue to play the primary role in prosecuting bias-motivated violence, but the LLEHCPA will allow the federal government to intervene in cases where local authorities are either unable or unwilling to investigate and prosecute a criminal act as a hate crime.

Studies demonstrate that gay, lesbian, transgender, and disabled persons face a significantly increased risk of violence and harassment based solely on these immutable characteristics. This long-overdue legislation would rightly classify violence based on sexual orientation, gender identity, and disability as a hate crime under federal statute. We cannot allow another Congress to slip by without enactment of the Local Law Enforcement Hate Crimes Prevention Act.

As Jews, we cherish the biblical commandment found in Leviticus 19:17: "You shall not hate another in your heart." We know all too well the dangers of unchecked persecution and of failing to recognize hate crimes for what they are: acts designed to victimize an entire community. We also take to heart the commandment "You may not stand idly by when your neighbor's blood is being shed" (Leviticus 19:16). Jewish tradition consistently teaches the importance of tolerance and the acceptance of others. Inasmuch as we value the pursuit of justice, we must actively work to improve, open, and make safer our communities.

This bill has come far too close to becoming law for far too long. The Local Law Enforcement Hate Crimes Prevention Act of 2007 is one of our organization's top legisla-

tive priorities for the 110th Congress. I urge you to vote for this legislation.

Sincerely,

RABBI DAVID SAPERSTEIN,  
Director and Counsel.

MATTHEW SHEPARD FOUNDATION,  
May 2, 2007.

DEAR REPRESENTATIVE: On behalf of the Matthew Shepard Foundation and our family, we urge you to vote YES and resist any amendments and motions to recommit on the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) of 2007 (H.R. 1592).

Hate crimes are an unrelenting and under-addressed problem in the United States. By enacting the LLEHCPA, a crucial step will be taken to address violent crimes committed all too often against individuals based on actual or perceived sexual orientation, gender, gender identity, and disability.

In particular, hate crimes based on sexual orientation are of grave concern. According to the Federal Bureau of Investigation's (FBI) Unified Crime Reports, approximately 10,000 hate crime incidents based on sexual orientation have been reported since 1998. Consistently, since 1998, hate crimes based on sexual orientation have ranked as the third highest category of reported incidents in the United States. These are just the statistics. Behind these numbers are real human beings—our son Matthew being one of them.

Despite evidence of the grave reality of hate crimes, anti-gay political organizations are spreading misinformation and lies. Many members of Congress have been targeted by these organizations claiming that this legislation would punish religious people for anti-gay speech—dubbing this a "thought crimes bill."

These claims are completely false. This legislation would grant local law enforcement officials federal funds for the investigation and prosecution of violent crimes motivated out of prejudice and hate that result in serious bodily injury and death. Claims that the bill would punish preaching or other ways of speaking out against homosexuality ring particularly hollow because the legislation was specifically crafted to prevent that. Two separate provisions make clear that speech unrelated to the violent crime under consideration could not be used to prove a hate crime. This is about violent actions.

As the parents of a young man killed simply for being gay, we refuse to be silent and let this bill be misconstrued by these organizations. Let each of us be mindful that the only crime of thought we can commit this week would be to let these lies take our collective sights off of this vital bill and the thousands of Americans who have lost their lives to senseless hate violence.

Since Matthew's death, while we have continued our own personal grieving, we have met too many other parents who have lost children in the same way we did. For all of those parents, for our own family, and for Matthew—we are calling on all members of the House of Representatives to vote YES on the H.R. 1592 and to resist any attempts to kill this critical piece of legislation to protect all Americans from violence. If you have any questions or would like additional information, please contact Brad Clark, Outreach & Advocacy Director, at (303) 830-7400 or [brad@MatthewShepard.org](mailto:brad@MatthewShepard.org).

Sincerely,

JUDY SHEPARD,  
Executive Director.  
DENNIS W. SHEPARD,  
Chairman, Board of  
Directors.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE & AGRI-  
CULTURAL IMPLEMENT WORKERS  
OF AMERICA—UAW,

May 1, 2007.

DEAR REPRESENTATIVE: This week the House is scheduled to take up the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592.) The UAW strongly supports this hate crimes prevention legislation. We urge you to vote for this vital legislation and to oppose any weakening amendments.

This legislation would strengthen existing federal hate crimes laws by removing unnecessary obstacles to federal prosecution and providing authority for federal involvement in a wider category of bias-motivated crimes. Specifically, H.R. 1592 would eliminate the current requirement that the crime must have been committed because of the victim's involvement in a "federally protected activity," such as voting, serving on a jury or attending public school. It would also permit federal involvement in the prosecution of bias-motivated crimes based on the victim's gender, sexual orientation or disability.

This measure has repeatedly attracted majority, bipartisan support in both the Senate and the House. In the 109th Congress, the House of Representatives approved the text of this measure as an amendment to the Children's Safety Act by a vote of 223-199 on September 14, 2005. In the 108th Congress, on June 15, 2004, the Senate approved this measure as an amendment to the National Defense Authorization Act for Fiscal Year 2005 by a vote of 65-33. In September 2004, the House approved a motion to instruct its conferees to retain this provision in conference by a vote of 213-186. Unfortunately, this legislation was dropped from the final conference report.

The UAW believes there is a need for a strong federal response against hate crimes. Congress has an opportunity to provide leadership on this vital issue by acting to strengthen the federal hate crimes statute. We therefore urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) and to oppose any weakening amendments.

Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,  
*Legislative Director.*

Mr. MCGOVERN. Mr. Speaker, the bill before us provides much needed support for local law enforcement agencies in the fight against violent hate crimes. That's why so many law enforcement agencies all across the country are enthusiastically supporting this legislation. That's why 31 State Attorney Generals, including the Republican Attorney General from the State of Washington, supports this bill.

Victims have reported an average of 191,000 hate crime incidents annually since the year 2000. Seventy-three percent of Americans support strengthening hate crimes laws.

This bill, as I said, is endorsed by virtually every major law enforcement organization in the country. The legislation is also supported by President George H.W. Bush's Attorney General, Dick Thornburg. This legislation is virtually identical to the version approved by a bipartisan majority in the Republican-led 109th Congress.

Hate crimes affect more than one individual, Mr. Speaker. It is committed

with the intention of terrorizing a group of people or an entire community.

Now, we've heard arguments from some on the other side that this bill somehow violates the first amendment. In fact, the measure includes an explicit statement that the bill may not be interpreted as limiting first amendment protections language that is based on the existing Washington State hate crime statute. The provision only applies when a person's conduct, not thought or speech, is being punished.

Mr. Speaker, the United States Supreme Court has rejected the claim that a hate crime law is a law against thoughts. The Supreme Court recognized in *Wisconsin v. Mitchell* that it is common to take motive into account in criminal law.

So to those of my colleagues who are worried about protecting bigoted speech, they can stop worrying because this bill, sadly, will not affect that kind of speech.

Now, some have argued that this law is an unnecessary extension of the Federal Government. The bill provides support and resources to assist local law enforcement agencies. The majority of hate crimes will still be prosecuted at the State level. The Federal Government only has jurisdiction in certainly limited and extreme circumstances.

The Federal Government has the responsibility, Mr. Speaker, to protect all Americans against bigotry and against violent crime.

So what we have before us, Mr. Speaker, is relatively simple; you either support providing an expansion of civil liberties and civil rights and civil protections under the law, or you don't. So that is the question that my colleagues have to deal with.

I think the answer is simple. I think we should support this legislation. This is a good bill. It should enjoy bipartisan support because it has in the past. I would urge all of my colleagues to support this rule and to support the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 19, as follows:

[Roll No. 296]

YEAS—217

Abercrombie	Grijalva	Neal (MA)
Ackerman	Gutierrez	Obearstar
Allen	Hall (NY)	Obey
Altmire	Hare	Oliver
Andrews	Harman	Pallone
Arcuri	Hastings (FL)	Pascarell
Baca	Herseeth Sandlin	Pastor
Baird	Higgins	Payne
Baldwin	Hill	Perlmutter
Bean	Hinchev	Peterson (MN)
Becerra	Hinojosa	Pomeroy
Berkley	Hodes	Price (NC)
Berman	Holden	Rahall
Bishop (GA)	Holt	Rangel
Bishop (NY)	Honda	Reyes
Blumenauer	Hooley	Rodriguez
Boren	Hoyer	Rothman
Boswell	Inslee	Roybal-Allard
Boucher	Israel	Ruppersberger
Boyda (KS)	Jackson (IL)	Rush
Brady (PA)	Jackson-Lee	Ryan (OH)
Braley (IA)	(TX)	Salazar
Brown, Corrine	Jefferson	Sánchez, Linda
Butterfield	Johnson (GA)	T.
Capps	Kagen	Sanchez, Loretta
Capuano	Kanjorski	Sarbanes
Cardoza	Kaptur	Schakowsky
Carnahan	Kennedy	Schiff
Carney	Kildee	Schwartz
Carson	Kilpatrick	Scott (GA)
Castor	Kind	Scott (VA)
Chandler	Klein (FL)	Serrano
Clarke	Kucinich	Sestak
Clay	Langevin	Shea-Porter
Cleaver	Lantos	Sherman
Clyburn	Larsen (WA)	Shuler
Cohen	Larson (CT)	Sires
Conyers	Lee	Skelton
Cooper	Levin	Slaughter
Costa	Lewis (GA)	Smith (WA)
Costello	Lipinski	Snyder
Courtney	Loebach	Solis
Cramer	Lofgren, Zoe	Space
Crowley	Lowey	Spratt
Cuellar	Lynch	Stark
Cummings	Mahoney (FL)	Stupak
Davis (AL)	Maloney (NY)	Sutton
Davis (CA)	Markey	Tauscher
Davis (IL)	Marshall	Thompson (CA)
Davis, Lincoln	Matheson	Thompson (MS)
DeFazio	Matsui	Tierney
DeGette	McCarthy (NY)	Towns
Delahunt	McCollum (MN)	Udall (CO)
DeLauro	McDermott	Udall (NM)
Dicks	McGovern	Van Hollen
Dingell	McIntyre	Velázquez
Doggett	McNerney	Vislosky
Donnelly	McNulty	Walz (MN)
Doyle	Meehan	Wasserman
Edwards	Meek (FL)	Schultz
Ellison	Meeks (NY)	Waters
Ellsworth	Melancon	Watson
Emanuel	Michaud	Watt
Eshoo	Miller (NC)	Waxman
Etheridge	Miller, George	Weiner
Farr	Mitchell	Welch (VT)
Filner	Mollohan	Wexler
Frank (MA)	Moore (KS)	Wilson (OH)
Giffords	Moore (WI)	Woolsey
Gillibrand	Murphy (CT)	Wu
Gonzalez	Murphy, Patrick	Wynn
Gordon	Murtha	Yarmuth
Green, Al	Nadler	
Green, Gene	Napolitano	

NAYS—196

Aderholt	Boozman	Coble
Akin	Boustany	Cole (OK)
Alexander	Boyd (FL)	Conaway
Bachmann	Brady (TX)	Crenshaw
Bachus	Brown (SC)	Davis (KY)
Baker	Brown-Waite,	Davis, David
Barrett (SC)	Ginny	Davis, Tom
Barrow	Buchanan	Deal (GA)
Bartlett (MD)	Burgess	Dent
Barton (TX)	Burton (IN)	Diaz-Balart, L.
Berry	Buyer	Diaz-Balart, M.
Biggert	Calvert	Doolittle
Bilbray	Camp (MI)	Drake
Bilirakis	Campbell (CA)	Dreier
Bishop (UT)	Cannon	Duncan
Blackburn	Cantor	Ehlers
Blunt	Capito	Emerson
Boehner	Carter	English (PA)
Bonner	Castle	Everett
Bono	Chabot	Fallin

Feeney	LaTourette	Rogers (AL)	Bishop (NY)	Hinojosa	Pallone	Jindal	Miller (FL)	Saxton
Ferguson	Lewis (CA)	Rogers (KY)	Blumenauer	Hirono	Pascrell	Johnson (IL)	Miller (MI)	Schmidt
Flake	Lewis (KY)	Rogers (MI)	Boren	Hodes	Pastor	Johnson, Sam	Miller, Gary	Sensenbrenner
Forbes	Linder	Rohrabacher	Boswell	Holden	Payne	Jones (NC)	Moran (KS)	Sessions
Fortenberry	LoBiondo	Ros-Lehtinen	Boyd (KS)	Holt	Perlmutter	Jordan	Murphy, Tim	Shadegg
Fossella	Lucas	Roskam	Brady (PA)	Honda	Peterson (MN)	Keller	Musgrave	Shays
Fox	Lungren, Daniel	Ross	Braley (IA)	Hooley	Pomeroy	King (IA)	Myrick	Shimkus
Franks (AZ)	E.	Royce	Brown, Corrine	Hoyer	Price (NC)	King (NY)	Neugebauer	Shuler
Frelinghuysen	Mack	Ryan (WI)	Butterfield	Inslee	Rahall	Kingston	Nunes	Shuster
Gallely	Manzullo	Sali	Capps	Israel	Rangel	Kirk	Pearce	Simpson
Garrett (NJ)	Marchant	Saxton	Capuano	Jackson (IL)	Reyes	Kline (MN)	Pence	Smith (NE)
Gerlach	McCarthy (CA)	Schmidt	Cardoza	Jackson-Lee	Rodriguez	Knollenberg	Peterson (PA)	Smith (NJ)
Gilchrest	McCaul (TX)	Sensenbrenner	Carnahan	(TX)	Rothman	Kuhl (NY)	Petri	Smith (TX)
Gillmor	McCotter	Sessions	Carson	Jefferson	Roybal-Allard	LaHood	Pickering	Souder
Gohmert	McCrery	Shadegg	Castor	Johnson (GA)	Ruppersberger	Lamborn	Pitts	Stearns
Goode	McHenry	Shays	Chandler	Kagen	Rush	Latham	Platts	Sullivan
Goodlatte	McHugh	Shimkus	Clarke	Kanjorski	Ryan (OH)	LaTourette	Poe	Taylor
Granger	McKeon	Shuster	Clay	Kaptur	Salazar	Lewis (CA)	Porter	Terry
Hall (TX)	Mica	Simpson	Cleaver	Kennedy	Sánchez, Linda	Lewis (KY)	Price (GA)	Thornberry
Hastert	Miller (FL)	Smith (NE)	Clyburn	Kildee	T.	Linder	Pryce (OH)	Tiahrt
Hastings (WA)	Miller (MI)	Smith (NJ)	Cohen	Kilpatrick	Sanchez, Loretta	LoBiondo	Putnam	Tiberi
Hayes	Miller, Gary	Smith (TX)	Conyers	Kind	Sarbanes	Lucas	Ramstad	Turner
Heller	Moran (KS)	Souder	Cooper	Klein (FL)	Schakowsky	Lungren, Daniel	Regula	Upton
Hensarling	Murphy, Tim	Stearns	Costa	Kucinich	Schiff	E.	Rehberg	Walberg
Herger	Musgrave	Sullivan	Costello	Langevin	Schwartz	Mack	Reichert	Walden (OR)
Hobson	Myrick	Taylor	Courtney	Lantos	Scott (GA)	Mahoney (FL)	Renzi	Walsh (NY)
Hoekstra	Neugebauer	Terry	Cramer	Larsen (WA)	Scott (VA)	Manzullo	Reynolds	Wamp
Hulshof	Nunes	Thornberry	Crowley	Larson (CT)	Serrano	Marchant	Rogers (AL)	Weldon (FL)
Inglis (SC)	Pearce	Tiahrt	Cuellar	Lee	Sestak	McCarthy (CA)	Rogers (KY)	Weller
Issa	Pence	Tiberi	Cummings	Levin	Shea-Porter	McCaul (TX)	Rogers (MI)	Westmoreland
Jindal	Peterson (PA)	Turner	Davis (AL)	Lewis (GA)	Sherman	McCotter	Rohrabacher	Whitfield
Johnson (IL)	Petri	Upton	Davis (CA)	Lipinski	Sires	McCrery	Ros-Lehtinen	Wicker
Johnson, Sam	Pickering	Walberg	Davis (IL)	Loeb sack	Skelton	McHenry	Roskam	Wilson (NM)
Jones (NC)	Pitts	Walden (OR)	Davis, Lincoln	Loftgren, Zoe	Slaughter	McHugh	Ross	Wilson (SC)
Jordan	Platts	Walsh (NY)	DeFazio	Lowe	Smith (WA)	McIntyre	Royce	Wolf
Keller	Poe	Wamp	DeGette	Lynch	Snyder	McKeon	Ryan (WI)	Young (AK)
King (IA)	Porter	Weldon (FL)	Delahunt	Maloney (NY)	Solis	Mica	Sali	Young (FL)
King (NY)	Price (GA)	Weller	DeLauro	Markey	Space			
Kingston	Pryce (OH)	Westmoreland	Dicks	Marshall	Spratt			
Kirk	Putnam	Whitfield	Dingell	Matheson	Stark	Boucher	Heller	Ortiz
Kline (MN)	Ramstad	Wicker	Doggett	Matsui	Stupak	Cubin	Hunter	Paul
Knollenberg	Regula	Wilson (NM)	Donnelly	McCarthy (NY)	Sutton	Culberson	Johnson, E. B.	Radanovich
Kuhl (NY)	Rehberg	Wilson (SC)	Doyle	McCollum (MN)	Tauscher	Davis, Jo Ann	Jones (OH)	Tancredo
LaHood	Reichert	Wolf	Edwards	McDermott	Thompson (CA)	Engel	Lampson	Tanner
Lamborn	Renzi	Young (AK)	Ellison	McGovern	Thompson (MS)	Fattah	McMorris	
Latham	Reynolds	Young (FL)	Emanuel	McNerney	Tierney	Gingrey	Rodgers	
			Eshoo	McNulty	Towns	Graves	Moran (VA)	
			Etheridge	Meehan	Udall (CO)			
			Farr	Meek (FL)	Udall (NM)			
			Filner	Meeks (NY)	Van Hollen			
			Frank (MA)	Melancon	Velázquez			
			Giffords	Michaud	Visclosky			
			Gillibrand	Miller (NC)	Walz (MN)			
			Gonzalez	Miller, George	Wasserman			
			Gordon	Mitchell	Schultz			
			Green, Al	Mollohan	Waters			
			Green, Gene	Moore (KS)	Watson			
			Grijalva	Moore (WI)	Watt			
			Gutierrez	Murphy (CT)	Waxman			
			Hall (NY)	Murphy, Patrick	Weiner			
			Hare	Murtha	Welch (VT)			
			Harman	Nadler	Wexler			
			Hastings (FL)	Napolitano	Wilson (OH)			
			Herseht Sandlin	Neal (MA)	Woolsey			
			Higgins	Oberstar	Wu			
			Hill	Obey	Wynn			
			Hinchey	Oliver	Yarmuth			

## NOT VOTING—19

Cubin	Hirono	Moran (VA)
Culberson	Hunter	Ortiz
Davis, Jo Ann	Johnson, E. B.	Paul
Engel	Jones (OH)	Radanovich
Fattah	Lampson	Tancredo
Gingrey	McMorris	Tanner
Graves	Rodgers	

## □ 1124

Mr. DUNCAN, Ms. PRYCE of Ohio, and Mr. BURGESS changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 296, I was attending a hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007 and missed this vote. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 199, not voting 20, as follows:

[Roll No. 297]

## AYES—213

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Allen	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Bishop (GA)

Aderholt	Calvert	Fallin
Akin	Camp (MI)	Feeney
Alexander	Campbell (CA)	Ferguson
Bachmann	Cannon	Flake
Bachus	Cantor	Forbes
Baker	Capito	Fortenberry
Barrett (SC)	Carney	Fossella
Bartlett (MD)	Carter	Fox
Barton (TX)	Castle	Franks (AZ)
Berry	Chabot	Frelinghuysen
Biggert	Coble	Gallegly
Bilbray	Cole (OK)	Garrett (NJ)
Bilirakis	Conaway	Gerlach
Bishop (UT)	Crenshaw	Gilchrest
Blackburn	Davis (KY)	Gillmor
Blunt	Davis, David	Gohmert
Boehner	Davis, Tom	Goode
Bonner	Deal (GA)	Goodlatte
Bono	Dent	Granger
Boozman	Diaz-Balart, L.	Hall (TX)
Boustany	Diaz-Balart, M.	Hastert
Boyd (FL)	Doolittle	Hastings (WA)
Brady (TX)	Drake	Hayes
Brown (SC)	Dreier	Hensarling
Brown-Waite,	Duncan	Herger
Ginny	Ehlers	Hobson
Buchanan	Ellsworth	Hoekstra
Burgess	Emerson	Hulshof
Burton (IN)	English (PA)	Inglis (SC)
Buyer	Everett	Issa

## NOES—199

Calvert	Fallin
Camp (MI)	Feeney
Campbell (CA)	Ferguson
Cannon	Flake
Cantor	Forbes
Capito	Fortenberry
Carney	Fossella
Carter	Fox
Castle	Franks (AZ)
Chabot	Frelinghuysen
Coble	Gallegly
Cole (OK)	Garrett (NJ)
Conaway	Gerlach
Crenshaw	Gilchrest
Davis (KY)	Gillmor
Davis, David	Gohmert
Davis, Tom	Goode
Deal (GA)	Goodlatte
Dent	Granger
Diaz-Balart, L.	Hall (TX)
Diaz-Balart, M.	Hastert
Doolittle	Hastings (WA)
Drake	Hayes
Dreier	Hensarling
Duncan	Herger
Ehlers	Hobson
Ellsworth	Hoekstra
Emerson	Hulshof
English (PA)	Inglis (SC)
Everett	Issa

## NOT VOTING—20

Boucher	Heller	Ortiz
Cubin	Hunter	Paul
Culberson	Johnson, E. B.	Radanovich
Davis, Jo Ann	Jones (OH)	Tancredo
Engel	Lampson	Tanner
Fattah	McMorris	
Gingrey	Rodgers	
Graves	Moran (VA)	

## □ 1134

Mrs. BOYDA of Kansas changed her vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 364, I call up the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

## H.R. 1592

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2007”.

## SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities

more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

### SEC. 3. DEFINITION OF HATE CRIME.

In this Act—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

### SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or Tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, non-governmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2008 and 2009.

### SEC. 5. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

### SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subsection are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) **CERTIFICATION REQUIREMENT.**—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) **DEFINITIONS.**—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) **RULE OF EVIDENCE.**—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

## SEC. 8. STATISTICS.

(a) **IN GENERAL.**—Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

(b) **DATA.**—Subsection (b)(5) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by,

and crimes directed against, juveniles” after “data acquired under this section”.

## SEC. 9. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The **SPEAKER** pro tempore (Mr. McNULTY). Pursuant to House Resolution 364, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–120, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1592

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2007”.*

## SEC. 2. DEFINITION OF HATE CRIME.

*In this Act—*

(1) the term “crime of violence” has the meaning given that term in section 16, title 18, United States Code;

(2) the term “hate crime” has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term “local” means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

## SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or Tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(2) **PRIORITY.**—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) **OFFICE OF JUSTICE PROGRAMS.**—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) **APPLICATION.**—

(A) **IN GENERAL.**—Each State, local, and Indian law enforcement agency that desires a grant under this subsection shall submit an ap-

plication to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) **DATE FOR SUBMISSION.**—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) **REQUIREMENTS.**—A State, local, and Indian law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) **DEADLINE.**—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) **REPORT.**—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2008 and 2009.

## SEC. 4. GRANT PROGRAM.

(a) **AUTHORITY TO AWARD GRANTS.**—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

## SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

## SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) **IN GENERAL.**—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

### “§249. Hate crime acts

“(a) **IN GENERAL.**—

“(1) **OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.**—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

“249. Hate crime acts.”.

#### SEC. 7. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

#### SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1592.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the hate crimes bill, H.R. 1592, will provide assistance to State and local enforcement agencies and amend Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes.

Last Congress, this legislation passed with a bipartisan vote, and it also passed in the 108th Congress and the 106th Congress. So we have the same bill before us that we had in the 109th Congress.

This legislation has attracted the support of over 211 civil rights organizations, educational institutions, religious organizations, civic groups; and importantly, virtually every major law enforcement organization in the country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum and 26 State attorneys general.

Hate crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. It just so happens that we documented 113,000 hate crimes by the Federal Bureau of Investigation, and in the year 2005, the most current data available, the FBI compiled reports on law enforcement agencies across the country, identifying 7,163 bias-motivated criminal incidents.

The fact of the matter that is known to law enforcement is that hate crime incidents are notoriously under-reported; and so we come here today to take the civil rights laws that we have passed across the years to the last, final extent, to crimes of violence based on the hate of the individual, intended to intimidate the class or group that that individual comes from.

We have a strong bill. We have more supporters than ever in the Congress and in the national community, and we know that the current law limits Federal jurisdiction over hate crimes against individuals on the basis of race, religion, color or national origin, but only when the victim is targeted because he or she is engaged in a Federal protected activity, such as voting.

Further, the existing statutes do not permit Federal involvement in a range of cases where the crimes are motivated by bias against the victims' actual or perceived sexual orientation, gender, gender identity or disability.

This legislation, identical to the version approved in the 109th Congress, will strengthen existing Federal law in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson, by addressing the rigid jurisdictional requirements under Federal law and expand the jurisdiction to crimes motivated by bias against the victim's actual or perceived sexual orientation, gender, gender identity or disability.

This bill only applies to bias-motivated crimes of violence. It does not impinge on public speech or writing in any way. In fact, the measure improves two explicit first amendment free speech protections for the accused, and we want you to know that there are no first amendment disabilities about this measure in any way. As a personal advocate of the first amendment, I can assure you that that would be the last thing that would be allowed to be in this bill.

What we are saying now is that a vote for this bill is not a vote in favor of any particular sexual belief or characteristic. It is a vote, rather, to provide basic rights for and protection for individuals so that they are protected from assaults based on their sexual orientation.

But the majority of incidents reported on racially motivated crimes, 54 percent, are based on racially motivated crimes, 17 percent on religious bias, and 14 percent on sexual orientation bias.

The time has come for the Congress to finally deal with this whole subject



of hate crimes. It is a blot on our constitutional understanding of what democracy is all about, and it is so important that today we debate and pass finally the hate crimes law that has been here and approved in three different Congresses.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this bill, H.R. 1592, for three reasons. First, the bill will result in disproportionate justice for crime victims who do not fall within the categories it contains. Second, it will have a chilling effect on religious freedom and first amendment rights. And third, it is probably unconstitutional and raises significant Federalism issues.

We can all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating not only to the victim, but also to the larger community whose public safety has been violated. That is why all violent crimes must be vigorously prosecuted. However, this bill, no matter how well intended, undermines basic principles of our criminal justice system.

Our criminal justice system has been built on the ideal of equal justice for all. Under this bill, justice will no longer be equal, but depend on the race, sex, sexual orientation, disability or status of the victim. It will allow different penalties to be imposed for the same crime. For example, criminals who kill a homosexual or transsexual will be punished more harshly than criminals who kill a police officer, a member of the military, a child, a senior citizen or any other person.

□ 1145

To me, all victims should have equal worth in the eyes of the law. In fact, in 1984, Congress, in a bipartisan manner, enacted the Sentencing Reform Act to ensure the consistent application of criminal penalties to avoid, "unwarranted sentencing disparities among defendants who have been found guilty of similar criminal conduct."

Why are we departing from the fairness embodied in that Act? Ordinarily, criminal law does not concern itself with motive, but rather with intent.

This legislation forces law enforcement officials to comb the offender's past to determine whether the offender ever expressed hostility toward a protected group. In addition, the bill raises the real possibility that religious leaders or members of religious groups could become the subject of a criminal investigation focusing on a suspect's religious beliefs, membership and religious organizations and any past statements made by a suspect. A chilling effect on religious leaders and others who, press their constitutionally protected beliefs, unfortunately, could result.

Some of my colleagues on the other side will claim that an amendment adopted during committee markup protects religious speech. However, it would not diminish the chilling effect of possible involvement in criminal investigations. Religious speakers and groups will feel in greater jeopardy as a result of this bill.

The facts of the Supreme Court decision in *Wisconsin v. Mitchell* underscore the danger of this legislation. In that case, Todd Mitchell received an enhanced hate crime sentence because of remarks he made to prior to others attacking a teenager because of his race. Mitchell did not participate in the physical assault of the teenager. His sentence was upheld. He was punished for his words.

My colleagues on the other side have argued that no prosecutor would ever subject members of a religious community to the criminal process. Are we willing to take the risk and leave the first amendment protections to a prosecutor's discretion?

I also believe the bill itself is probably unconstitutional and will likely be struck down by the courts. There is little evidence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in the *United States v. Morrison* struck down a prohibition on gender-motivated violence. In that case, the court specifically warned Congress that the commerce clause does not apply to non-economic violent criminal conduct that does not cross State lines, nor does the proposed legislation authorized under the 14th and 15th amendments. Those amendments only extend to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th amendment reaches private conduct such as individual criminal conduct, it is difficult to argue that one's sexual orientation, disability or gender identity constitutes a badge and incidence of slavery. Aside from the constitutional defects of this bill, it purports to federalize crimes that are being effectively prosecuted by our States and local governments.

FBI statistics show that the incidence of so-called hate crimes has actually declined over the last 10 years. Only six of approximately 15,000 homicides in the Nation involved hate crimes.

As the Washington Post stated in a previous editorial, "Rape, murder and assault—no matter what prejudice motivates the perpetrator—are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest . . ."

Unfortunately we cannot legislate away the hatred that some feel in their

hearts. We need fewer labels and more unity in our country. For all the reasons I have mentioned above, I oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to a distinguished member of the committee, TAMMY BALDWIN of Wisconsin.

Ms. BALDWIN. Mr. Speaker, the House today has a historic opportunity to expand upon the principles of equal rights and equal protection embodied in our Constitution by passing the Local Law Enforcement Hate Crimes Prevention Act.

This Act would offer Federal protections for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity or disability. These characteristics are included in this hate crimes legislation, not because they deserve any special protection as opponents of this legislation claim, but because of the history of particularly heinous and violent crimes committed against individuals based on such characteristics. That's what warrants this inclusion.

I wanted to share several stories about why this legislation is so important. I only have time for one. Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful, homophobic assailants and left to die on a fence in a remote area of Wyoming.

Matthew's death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the entire targeted community. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act. Today we have been joined by Matthew's mother, Judy Shepard and a lead investigator in this case, David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's death.

The passage of hate crimes legislation is long overdue. This will be critical for both symbolic and substantive reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit heinous crimes are punished. But on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays, lesbians, transgender individuals and people with disabilities will no longer be tolerated.

Mr. Speaker, I want to thank Chairman CONYERS, Chairman SCOTT, and the staff of the Judiciary Committee for their diligent work in bringing the bill to the floor.

Hate crimes are different than other violent crimes because they seek to instill fear into a whole community—be it burning a cross in someone's yard, the burning of a synagogue, or a rash of aggravated batteries of people outside a gay community center. These are crimes motivated by prejudice and meant to send a message to society and others who

belong to the same category. This sort of domestic terrorism demands a strong, federal response because this country was founded on the premise that persons should be free to be who they are—without fear of violence.

I want to share with you a few reasons why the passage of this legislation is so urgent and necessary. Last week in Committee, we heard from a very young man, Mr. David Ritcheson, who was brutally beaten last year by two individuals due to his ethnicity as a Mexican-American. Mr. Ritcheson spent the next 3 months and 8 days in the hospital, recovering from severe internal injuries. Yet because the attack took place in a private yard rather than an area of public access, the FBI had no grounds to investigate the attack under existing hate crimes laws.

The story of Brandon Teena also demonstrates the need for this legislation. Dramatized in the movie "Boys Don't Cry," Brandon was raped and later killed after the discovery of his biological gender by two acquaintances. Five days before his murder, Brandon reported his rape and beating by the same perpetrators, but the Richardson County Nebraska Sheriff would not pursue the case against Brandon's attackers.

Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful homophobic assailants and left to die on a fence in a remote area of Wyoming. Matthew's death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the targeted community. I remember the impact locally in Wyoming. I was in the midst of my first campaign for Congress in October 1998. Many gay and lesbian youths roughly Matthew's age were working on my campaign. I remember the impact of the crime on them. They were afraid for their safety, and that is precisely the effect these crimes have. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act, and today we are joined by Matthew's mother Judy Shepard and the lead investigator in his case David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's tragic death. Mr. Speaker, the passage of hate crimes legislation is long overdue.

The passage of H.R. 1592 today will be critical for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit these heinous crimes are punished . . . but on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays and lesbians, transgender individuals, and people with disabilities will no longer be tolerated.

The opponents of this legislation will disseminate a lot of misinformation today in order to derail this bill. But make no mistake, the legislation we are considering today has been carefully crafted to protect an individual's First Amendment right to speech, expression, and association. It also provides much needed federal resources to local law enforcement authorities without usurping local authority. Finally, the bill is fully consistent with Supreme Court precedence on both First Amendment and interstate commerce cases.

Our society is not perfect; the passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crimes go

away. H.R. 1592 is about giving state, local, and federal law enforcement authorities the necessary resources and tools to combat violent crimes based on prejudice and intended to terrorize a group of people or an entire community. Such hate crimes are in desperate need of a federal response, and I strongly urge my colleagues to vote in support of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) a senior member of the Judiciary Committee and a former attorney general of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, hate crimes are a serious issue. That's why 45 out of the 50 States have laws against them. That's why we have an already existing Federal law where there is a Federal interest involved.

Unfortunately, this bill is not necessary or is not drawn appropriately for any specific Federal problem. Some 20 years ago, I remember supporting the gentleman from Massachusetts against an effort by a Member on my side of the aisle to remove homosexuals from protection under the Hate Crimes Act at the time, that is the Hate Crimes Statistics Act. That went to the definition.

I am concerned about the definition in this bill. I mentioned this during the rule. In this rule there is no definition of sexual orientation, which becomes a protected class in the sense of enhanced penalty or a new crime for protection for such a victim.

We asked whether we would put the definition that is noted in the statute that goes to the sentencing commission in the bill. In fact, many on the committee said that I had a good idea. Yet, I was denied the opportunity in committee and in the Rules Committee to present that.

So, therefore, we have no definition of sexual orientation. I wanted the simple definition that's recognized in the note to the sentencing commission, which limits it to homosexual or heterosexual conduct. So, now we have an undefined term of sexual orientation.

Why am I concerned about it? Because I come from the State of California, where, for the past 20 years, we have had a problem dealing with an organization called NAMBLA, North American Man/Boy Love Association. They march in parades. They asserted the right, under the first amendment, to be able to hold their meetings in the local chapter in a library in my district. That's a sexual orientation.

Without limiting the definition, as I asked us to do, we open up the potential for creating a new protected class. I do not understand why the majority refused to allow us a serious amendment to just define what this is and get rid of this problem.

We were told, look at the statute. It defines it. We found out it didn't. It said it does it by reference. We went to it. The only reference is to a note to

the sentencing commission. It is not defined.

If this is not taken care of, this bill, I know it's not the intent, but it becomes essentially a NAMBLA Protection Act, because it allows that sort of conduct or any other sexual orientation to be considered because there is a lack of definition.

Why you didn't allow it, I don't know. But you didn't allow it. On that grounds alone, this bill ought not to go forward.

This bill needs to be reviewed, it needs to be amended, it needs to be perfected. It doesn't do what it claims it does. It has an expansion beyond all that anybody would support. At least in the committee they told me they didn't support it.

They said they would take care of it. They didn't take care of it. I asked for a simple amendment in the Rules Committee. We were denied a simple amendment. I don't know why you are doing this, but it is a failure of this bill and will probably defeat this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

First of all, I want to assure my friend Mr. LUNGREN, the former attorney general of California, that we have no opposition about dealing with the definition of which he complained.

I also take this opportunity to remind him that 26 State attorney generals, just like you were, approved this bill.

Now I turn to the chairman of the Subcommittee on Crime, BOBBY SCOTT, and I yield him 2 minutes.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias-based crimes are an unfortunate reality in this country. This legislation is necessary because existing law, 18 U.S.C. section 245(b)(2) does not protect individuals from violent acts based on race, color, national origin or religion, unless the defendant intended to interfere with the victims' participation in certain enumerated Federal activities.

Additionally, Federal law does not presently provide for hate crime protection at all for a tax based on sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the express concerns about the first amendment rights to free speech and association. H.R. 1592 addresses these concerns by providing an evidentiary exclusion, which prohibits the government from introducing evidence of expression or association as substantive evidence at trial, unless it is directly relevant to the elements of the crime.

This provision will ensure that defendants will only be prosecuted and

convicted based on their criminal acts, not on what they say or what they believe, or because of the people with whom they are associated. There are some of us who criticize the bill as an improper exercise of Federal jurisdiction. But based on testimony and the issues of the witnesses at our hearings, this legislation has been carefully drafted to address the Supreme Court's decisions in *Lopez* and *Morrison*, which limited Congress' jurisdiction to pass legislation.

Furthermore, H.R. 1592, in response to the gentleman's complaint, Federal prosecutors must confer with State authorities to decide whether Federal jurisdiction is appropriate, and no prosecution can proceed without the express approval of the United States attorney general or his designee. Additionally at trial they must prove a valid Federal interest as a specific element of the crime.

In addition to creating new hate crime offenses and expanding the application of existing ones, this bill also establishes an important grant program to provide financial assistance to States, local, and tribal law enforcement agencies to provide much-needed assistance in investigating high-profile crimes.

Mr. Speaker, this bill has broad support. For these reasons, I urge my colleagues to support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and a ranking member of the IP subcommittee.

Mr. COBLE. I thank the gentleman from Texas.

Mr. Speaker, I rise in opposition to the bill before us.

All crimes are deplorable, particularly when they are motivated by some form of discrimination. But this bill, in my opinion, does nothing to prevent these acts. States and Federal governments traditionally prosecute hate crimes now. I agree with the argument that this bill would unfairly classify crimes against certain groups of people, and ignore others such as law enforcement, children, veterans or senior citizens who deserve the same degree of protection.

□ 1200

I am concerned that this legislation will lead to unseemly investigations, possibly into thoughts and beliefs, which could have the effect of criminalizing religious or political speech.

Furthermore, I understand that the legislation does not have a nexus with interstate commerce that would survive a constitutional challenge.

I understand the need to protect vulnerable people, Mr. Speaker, and I support funding to help community safety and to prosecute criminals, but I cannot support this legislation.

Oftentimes, Mr. Speaker, those of us who oppose hate crime legislation are accused of being uncaring and insensi-

tive. Now, to those charges I plead "not guilty," but I oppose this, among other reasons, because hate crime legislation is duplicative. There is sufficient statutory relief readily available now to aggrieved victims. There is such a thing as having too many laws, and I think this would result if we enact this today, and I urge its defeat.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

(Mr. SHAYS asked and was given permission to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as one of the lead Republican cosponsors of H.R. 1592, I am pleased we are considering this legislation, which will allow the Justice Department to investigate crimes committed on the basis of the victims race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Under this bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right.

In my judgment, violence based on prejudice is a matter of national concern that federal prosecutors should be empowered to punish if the States are unable or unwilling to do so.

Franklin Delano Roosevelt once said:

We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

That statement is no less true today than it was back then. I urge support of this legislation.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this as the original cosponsor of this legislation. We find that a hate crime can ignite group-on-group violence that would tear a community apart. We have seen it in other countries; we want to make sure it never happens here.

This is especially dangerous when group-on-group violence can overwhelm a small suburban police department, and this offers assistance so that a small problem doesn't become a big problem and doesn't become a national problem. We saw when Rodney King was beaten that a riot broke out in Beloit, Wisconsin, and overwhelmed that police department.

So to be able to make sure that the Federal Government can defend the Nation and to make sure that our country stands not just for freedom and democracy, but also tolerance, is one reason why we should follow enactment of the Hate Crimes Statistics Act, under President George Herbert Walker Bush, to also pass this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Judiciary Committee and a former speaker of the Florida house.

Mr. FEENEY. I am very grateful to the ranking member.

Mr. Speaker, hate is an awful thing, but we cannot punish people for what is in their hearts. We cannot punish people and make it a crime for what people are thinking. We punish acts in this country.

Unfortunately, I think this bill is badly misnamed. This bill should not be called the hate crimes bill, this should be called the unequal protection bill, because what it does is to say that the dignity and the property and the person and the life of one person gets more protection than another American. That is just wrong. With respect to my friend from Illinois, who just said hate crimes can tear this country apart, that is what this bill does. It gives different people the protection of their life, their property, and their person based on their special status.

We need to treat all Americans equally. Justice ultimately must turn on the fundamental word of each and every human being as equal before God and before the law. This bill undermines both of those principles.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Subcommittee on the Constitution, the gentleman from New York, Mr. JERRY NADLER, for 2 minutes.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, this bill deals with violent crimes committed against victims who are singled out solely because someone doesn't like who they are.

Violent attacks because of actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability often cause serious injury or death. They are more serious than a normal assault because they target not just an individual, but an entire group. They spread terror to all members of the group and often deter them from exercising their constitutional rights, sometimes for simply walking down the wrong street.

The only question for Members is whether they believe that singling out a person for a crime of violence because of his or her race or religion or because any other trait is sufficiently heinous to merit strong punishment.

For many years, Mr. Speaker, Congress debated what were known as the Federal lynching laws. They were designed to deal with the widespread practice of lynching primarily African Americans. There was staunch resistance to those laws here in Congress. For three decades, they did not pass while thousands were lynched. We heard many of the same arguments then that we are hearing today. That was not a proud period in our Nation's history. Today, we can do the right thing. I hope we can agree to do so.

Under current law, the attackers of someone like Michael Sandy of Brooklyn, who was attacked simply because he was walking down a street and he was gay, could not be prosecuted for a hate crime because, under existing law, only victims targeted because they are engaged in a federally protected activity, such as voting, are protected. This bill expands the definition to cover all violent crimes motivated by race, color, creed, national origin, et cetera.

This is not an issue of free speech. This bill deals only with crimes of violence in which the victim is selected with his or her status.

The law routinely looks to the motivation of a crime and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We all know how to make these distinctions. The law does it all the time. We ought to do it here; we ought to say that crimes of violence motivated by one's status are particularly heinous and ought to be treated as such.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I appreciate the ranking member of the Judiciary Committee yielding to me.

This bill before us today is one that I have dreaded seeing come before the American people.

I was born in 1949. That was the year that George Orwell published the book "1984." I offered an amendment in committee to change the title of this bill from the Hate Crimes bill to the Thought Crimes bill. In fact, you are seeking to punish thought. And even though the gentleman from Virginia has stated correctly that under this bill, they will be prosecuting crimes, they will also be sentenced for thoughts.

Orwell wrote in 1949 in the book "1984," "We are not interested in those stupid crimes that you have committed. The party is not interested in any overt act. The thought is all that we care about. We do not merely destroy our enemies; we change them. Do you understand what I mean by that?"

And he goes on to define "crimethink," which is exactly the bill before us today. And he defines it this way: "To even consider any thought not in line with the principles of Ingsoc. Doubting any of the principles of Ingsoc. All crimes begin with a thought. So, if you control thought, you control crime. Thoughtcrime is death. Thoughtcrime does not entail death. Thoughtcrime is death, the essential crime that contains all others in and of itself."

And the definition of "Ingsoc" is English socialism, which is how he defined the coming creeping of socialism and Marxism that he feared.

So I make that point strongly that we have now come to this. "1984" has manifested itself on the floor of the

United States Congress with the belief that, somehow or another, we can divine what somebody thinks and then punish them for it. And I have been called a racist on the floor of this House for using the term "cultural continuity." How can someone who could make that allegation who has been elected to the United States Congress be sitting on a jury of me? We judge by a jury of our peers, or the peers of the accused and what's in their mind. That's a thoughtcrime in and of itself.

Mr. CONYERS. I yield 1 minute now to a distinguished member of the Judiciary Committee, Mr. ELLISON of Minnesota.

Mr. ELLISON. Mr. Speaker, it is horribly sad that anyone would want to vocalize hateful ideas, but it is not illegal. What Don Imus said about African American women was legal though deplorable. But violence is not. Violence is different. Violence is acts, if motivated by hateful thoughts, that make an impact on the community that is much more harmful than to the individual. It expands to an entire community and injects an immobilizing, terrorizing fear into that community which makes it even more wrong than an act against an individual.

When Eric Richey drove his Mustang into the largest mosque in Ohio on September 16, 2001, he didn't just destroy a building, he injected fear into an entire community.

My question is this: Why do you want to protect thugs and hatemongers? Why don't you want to stand with the civilized community and say, hate is wrong and we must stop it now?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), also a member of the Judiciary Committee.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I come before the House today in strong opposition to the Local Law Enforcement Hate Crimes Prevention Act. It would be Thomas Jefferson who would remind the American people that the government reaches actions only and not opinions, in his famous letter to the Danbury Baptists.

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them, and there is no evidence that underlying violent crimes at issue here are not already being fully and aggressively prosecuted. Therefore, hate crimes laws serve no practical purpose and, instead, serve to penalize people for their thoughts and beliefs.

Now, some of these thoughts and beliefs are abhorrent, like racism and sexism, and I disdain them. But hate crimes bills are broad enough to encompass legitimate beliefs as well, and protecting the rights of freedom of speech and religion must be paramount on our minds.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. There is a real possibility that this bill, as written, that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy laws or section 2 of title XVIII, which holds a person criminally liable if they aid and abet in the commission of a crime. Putting a chill on a pastor's words or a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small group Bible study is a blatant attack on the constitutionally guaranteed right to freedom of religion.

Last week, I offered an amendment before the committee that simply would have stated that nothing in this section limits the religious freedom of any person or group under the Constitution. Unfortunately, this amendment was rejected by the majority and rejected by the Rules Committee for consideration today.

We must guard against the potential for abuse of hate crimes laws. The Pence amendment would have done so by stating, once and for all, that people in groups will not have their constitutionally guaranteed right to freedom of religion taken away.

On this National Day of Prayer, let's take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience and reject this legislation.

Mr. Speaker, I come before the House today in strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

As Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them and there is no evidence that the underlying violent crimes at issue here are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws serve no practical purpose and instead serve to penalize people for their thoughts, beliefs or attitudes.

Some of these thoughts, beliefs or attitudes such as racism and sexism are abhorrent, and I disdain them. However the hate crimes bill is broad enough to encompass legitimate beliefs, and protecting the rights of freedom of speech and religion must be paramount in our minds.

The First Amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." America

was founded upon the notion that the government should not interfere with the religious practices of its citizens. Constitutional protection for the free exercise of religion is at the core of the American experiment in democracy.

There is a real possibility that as this bill is written, religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy law or section 2 of title 18, which holds criminally liable anyone who aids, abets, counsels, commands, induces or procures its commission; or one who "willfully causes an act to be done" by another.

In the debate at the Judiciary Committee, much was made of the fact that an amendment was adopted by the gentleman from Alabama, Mr. DAVIS. However, that amendment did not go far enough in making it clear that the bill will not limit religious freedom. The sponsor of the amendment admitted that a pastor could still be targeted under the bill for incitement of violence for simply preaching his religious beliefs. For example if a pastor included a statement in his sermon that sexual relations outside of marriage is wrong, and a member of the congregation caused bodily injury to a person having such relations, that sermon could be used as evidence against the pastor.

Putting a chill on a pastor's words, a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small-group Bible study is a blatant attack on the Constitutionally-guaranteed right to freedom of religion.

Last week when the Judiciary Committee took up this bill, I offered an amendment to make it clear that the bill will not affect the Constitutional right to religious freedom.

The Pence Amendment stated, "Nothing in this section limits the religious freedom of any person or group under the Constitution."

Unfortunately, the amendment was defeated by the majority in the Judiciary Committee. Yesterday, I submitted the Pence Religious Freedom Amendment to the Rules Committee for consideration, but that committee chose to adopt a closed rule for today's debate, effectively blocking my amendment and many other good amendments from consideration.

We must guard against the potential for abuse of hate crimes laws, and the Pence Amendment would have done so by stating once and for all that people and groups will not have their Constitutionally-guaranteed right to religious freedom taken away.

Mr. Speaker, this bill threatens religious freedom by criminalizing religious thoughts. On this National Day of Prayer, let's take a stand for the right of every American to believe, speak and pray in accordance with the dictates of their conscience. Take a stand for religious freedom and the First Amendment and vote no on the Local Law Enforcement Hate Crimes Prevention Act.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to a distinguished Member on the Judiciary Committee, STEVE COHEN of Tennessee, for 1 minute.

Mr. COHEN. Mr. Speaker, Mr. Chairman, I am proud to stand in support of this bill. The fact is, these crimes, the victims of which have been Matthew Shepard, James Byrd, Emmett Till over the years have shocked the con-

science of this country, and that is why they need special treatment.

When you look at the laws and the type of activities that we are looking at, discrimination based on race, color, religion, national origin, or disabilities, you are looking at the same people that the Nazis tried to exterminate. If you were Jewish, if you were black, if you were disabled, if you were gay, the Nazis made a systematic attempt to eliminate you. And people who do that, even if they are not governments, should be punished, because that is the type of conduct that this world has seen and abhors and went to war for; and our U.S. attorneys should be given the ammunition to go to war against people that perpetrate those type of crimes.

And if you stand against this, what's going to happen? Certain villainous hooligans will maybe get less time. These are the people we need to lock up and put away, because this is a country about life, liberty, and the pursuit of happiness and everybody gets an opportunity.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee, and also the ranking deputy member of the Crimes Subcommittee.

Mr. GOHMERT. Mr. Speaker, this bill starts off with a preamble that makes it faulty to begin with.

There are all kinds of recitations in the beginning, factual, so-called findings that were not supported and are not supported by any evidence. That is a major problem here.

First of all, people want to talk about how desperately this is needed to stop hate-based crimes. However, there are laws that protect every man, woman, and child from violent acts. In fact, I have heard my colleague across the aisle reference that the Matthew Shepard case shows how desperately we need hate crime legislation. Those perpetrators that did that horrible act both got life sentences under regular murder laws. This was not necessary.

People in committee threw up the Byrd case, a horrible tragedy where a man was dragged to his death simply because he was African American. Those two main perpetrators got the death penalty, and no hate crime that has been passed would address that.

Now, these statistics, if you really want to look at the facts before we pass bad legislation that is not justified by the facts, and I do take issue with the preamble's fact findings. There is no evidence to support them. But let's look.

Since 1995, the FBI statistics show that we have gone from 9,500 to 12,400 agencies reporting, more of the country is being covered, and yet a steady decline has gone from right at 8,000 to 7,100 incidents.

□ 1215

Offenses have gone down near well a thousand, to 8,300. Victims have gone

down 1,600. Offenders have gone down 1,600. The laws are working. What this is trying to do is protect a class from any ill speech, anything that's derogatory.

Now, friends across the aisle say no, no, no. We put that in the bill. We've got an amendment that protects that. But if you go to the law in this bill, it says that, yeah, religious or protected speech would not be used at trial, unless it pertains or is relevant to the offense. And as anybody that's prosecuted someone as a principal, not a conspiracy, but a principal, a principal under Federal law, it says whoever aids, abets, counsels, commands, induces, procures a crime's commission is punishable as if he committed the crime.

And this is where this is going; ministers reading from the Bible, rabbis reading from the Torah, imams reading from the Koran who say sexual activity outside of marriage of a man and a woman is wrong, if they have somebody from their flock, some nut go out and commit a crime of violence and, by the way, this is not a restricted crime of violence. It could be violence against property. It can be a touching to be bodily injury. We've lowered the standard in this bill.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the gentleman from Alabama, a distinguished member of the Judiciary Committee, ARTUR DAVIS for 1½ minutes.

Mr. DAVIS of Alabama. Mr. Speaker, there's a pastor back home who has a card that he carries around with him and it says, made by God, return to the Creator upon expiration.

As a person of faith, if you believe that, as I do, you have to believe that that admonition and that promise applies not just to you and your kind, but to people who may be different, act different, think different, and look different. So this is the simplest way I can put this to my colleagues on the other side of the aisle.

If you are a person of faith, you have a Bible-based problem with hate. And if you have a Bible-based problem with hate, it's legitimate to say that hate ought to be punished a little bit more. That's all this legislation says.

Obviously, it must be done consistent with the first amendment, and that is why I offered an amendment that was accepted in committee and that my good friend, LAMAR SMITH from Texas, not only voted for, but praised during the markup. The amendment says specifically, nothing in this statute shall change the terms of the first amendment as they exist.

So this is as simple as I can put this to my good friend, Mr. GOHMERT. The only people who ought to fear this bill are people who would say to another human being, you ought to do violence against someone else. I don't know a man of God or woman of God who would take to any pulpit in the land, any synagogue or mosque in the land and say, do violence to another one of

God's children. And because I have confidence in people of faith and know they wouldn't do that, I know they won't be hurt by this bill. And, by the way, I say that as the only Democrat on the committee who voted against gay marriage.

This bill ought to be passed, and I ask my colleagues to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the gentleman's comments about faith and God. And I am a woman of God. I oppose hate, and I think all crimes are awful. And I have a great disdain for violence produced by hate.

But this bill is the wrong solution for an ideal goal. It is horrible for anyone to hate for any class, race or religion or sexual orientation. Violence produced by hate is already outlawed. Why would we, as a Nation, want to divide our American citizens into various categories of more worthy or less worthy of whatever protection the law can give them? What happened to the great ideal this Nation was founded on of equal, equal protection under law?

The hate crimes bill will chill the first amendment rights of religious groups. This hate crimes bill will chill the first amendment rights of the religious groups, and the government will be required to prove the suspect's thoughts as a category of the victim involved in the crime.

Religious groups may become the subject of criminal investigations in order to determine the suspect's religious beliefs, membership in religious organization, or past statements about persons associated with specific categories. Religious leaders will be chilled from expressing their religious views for fear of involvement in the criminal justice system.

This hate crime bill will result in unequal justice for all and the restriction of one of our ideals that has made this Nation great, free speech.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the most distinguished civil rights leader that we have serving in the House of Representatives, the gentleman from Georgia, Mr. JOHN LEWIS. And I yield to him 1 minute.

Mr. LEWIS of Georgia. Mr. Speaker, hate is too heavy a burden to bear. We have the opportunity, with this bill, to move this Nation one step forward toward laying down the burden, the burden of hate. With this legislation, we can send the strongest possible message that violence against our fellow citizens because of race, color, national origin, religion, sexual orientation or transgender will not be tolerated.

It was the Great Teacher who said, "As much as you have done it unto the least of these, you have done it unto me."

During the 1950s and the 1960s, as a participant in the Civil Rights Movement, I tasted the bitter fruits of hate, and I didn't like it. I saw some of my

friends beaten, shot and killed because of hate. Hate is too heavy a burden to bear. It also was the Great Teacher who said, "Love you one another." He didn't say hate you one another.

We're one people. We're one family. We all live in the same house. It doesn't matter whether we're gay or straight. We're one people.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN) for 1 minute.

(Mr. CLYBURN asked and was given permission to revise and extend his remarks.)

Mr. CLYBURN. Last night, Mr. Speaker, I re-read Martin Luther King, Jr.'s "Letter from a Birmingham City Jail." In that letter, King dealt with the notion of timing. He said to us that time is never right; time is never wrong; that time actually is neutral, and it's only what we make it. We can use it constructively, or we can use it destructively.

King went on to say that it's always the right time to do that which is right.

Now, a lot of people on yesterday told me that this was the wrong time to bring this legislation. For a moment, I agreed. But reflecting on Dr. King's admonition that the time is always right to do right, I come before this body today to ask us to use the time that we have before us to do right by those people who may not be like us.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a serious issue, and people ought to recognize it's a serious issue.

There is something called hate crimes. And in the past, the Supreme Court has looked at issues to try and differentiate between mere speech and speech connected with conduct and how you articulate a law in a proper way that does not offend the first amendment, which allows terrible speech. One of the prices of our democracy and one of the prices of this society is to allow terrible speech, not to say you accept it, but to allow it.

And so the Supreme Court has carefully reviewed hate crime legislation. When I was attorney general of California, we issued an amicus brief before the Supreme Court to support one version of the hate crime legislation in one State that was similar to ours in California. We declined to do it in another State. And in that one in which we declined to do it, the Supreme Court found that it was afoul of the law.

That's why I think it's very, very important how we carefully construct a hate crimes bill. The underlying premise of this bill is that we should extend the already existing Federal hate crimes legislation, which has a

Federal nexus, based on the individual victim or victims being involved in a protected Federal activity.

This bill goes beyond that and suggests that the constitutional nexus with Federal activity is that hate directed against the particular protected classes here somehow restricts interstate commerce. And I would just suggest that the findings in the bill did not have evidence to back it up. And I think there may very well be a constitutional attack that is successful in the Court on that. That's why we are concerned about the way this is written.

Second, there are those who suggest that we will not have the concern become a reality expressed by some on this floor and by some outside this floor that this somehow will chill free speech. The suggestion is we've carefully crafted the legislation so that's not to be the case.

I would just direct our attention to another section of the bill which calls for participation by the Federal Government in the investigation and prosecution of crimes at the State level which delineates the definition of hate crimes in the first two paragraphs but, in the third paragraph says, or any other hate crime established by State law. So what we are doing is extending it beyond the carefully constructed definitions that we have in this bill, considering the constitutional questions and extended it far beyond that. That is another legitimate concern about this bill.

And so I would just say that I hope we don't get totally involved in the argument that there are no hate crimes and they, therefore, never should be involved in our criminal justice system, versus that they are the worst of all crimes, or they are so essentially different from others that those who are subjected to attacks because of a random attitude by the perpetrator, or for reasons outside the protected class, somehow don't have the sufficiency of interest or the sufficiency of importance to be included.

Hate crimes exist in our society. Hate crimes are to be condemned in our society. As I said before, that's why 45 States have done so, most of them successfully in negotiating the shows of constitutional concern that are created by the first amendment. And therefore, one might suggest that we need to review this in far greater detail than we've been allowed thus far.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds to respond to my dear friend from California (Mr. LUNGREN).

The purpose of this hate crime bill is to supplement State and local actions. It is not to take over.

Mr. Speaker, I now yield to the gentleman from Georgia, Mr. HANK JOHNSON, member of the Judiciary Committee, 1 minute.

Mr. JOHNSON of Georgia. Mr. Speaker, we've had Federal hate crime legislation on the books since 1968. It covered violent crimes targeted against



persons based upon race, color, religion and national origin.

Now we've got folks who don't want us to extend this hate crime legislation to those who would be attacked because of their gender, sexual orientation, gender identity or disability of the victim, and this at a time, Mr. Speaker, when one in six hate crimes is motivated by the victim's sexual orientation. And yet today's Federal laws don't include any protection for these Americans.

□ 1230

Mr. Speaker, I rise in support of this legislation. It is the right thing to do. It is the humane thing to do. Let's bring protection to those who need it now, 39 years later after the act was enacted.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this legislation because, at its core, its purpose is to punish thought; and to respectfully suggest that this new majority continues to bring sad and divisive legislation to the floor.

All violent crime is wrong. All violent crime is founded in hate.

This legislation will actually move us to the point of punishing thought and punishing motive. Hate crimes have already been used to suppress speech opposed by cultural elites. In New York, for example, city officials recently cited hate crime principles to force a pastor to remove billboards containing biblical quotations on sexual morality.

Many pastors and ministers from around this Nation adamantly oppose this legislation. And to bring this forward on the National Day of Prayer adds insult to injury and may, in fact, be hateful.

The hate crimes bill creates a new Federal thought crime. The bill requires law enforcement officials to probe, infer, or deduce if a crime occurred because of a bias towards a protected group. A criminal's thoughts will be considered an element of the crime.

Mr. Speaker, I respectfully suggest that one can never reliably determine the true thought or motive of a criminal.

And with thought crimes come thought police. What a sad day.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the chairman of our caucus, Mr. RAHM EMANUEL of Illinois.

Mr. EMANUEL. Mr. Speaker, when it comes to hate and discrimination, America speaks with one voice, "no." Zero tolerance. You cannot be a beacon of freedom around the world and fail that test here at home.

President Kennedy was moved on the civil rights movement because he understood, in the battle of the Cold War, you could not be a beacon for freedom against intolerance around the world if

we weren't free here at home. You could not. And as we talk, all our colleagues always say, as we battle on the issues on the war in Iraq, Islamic fascism, the whole world will watch what we say here in Congress.

People will watch this vote and understand, most importantly, whether America remains true to its principles on freedom or not. People will watch this vote. And I would hope my colleagues will remember, as we do this today, that every time America widens the circle of democracy to protect more of its citizens who sit in the shadows, it is true to its principles.

I would hope people will vote "yes" on this legislation.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to a distinguished member of the Committee on the Judiciary from Houston, Texas, Ms. SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, with great emotion, I come to this floor.

Congressman FRANK, let me thank you. No one that may be listening had the opportunity to listen to Congresswoman BALDWIN and you speak of your existence.

So I rise today to make sure that everyone understands that this bill is about hate. Regular order is in place. It is about protecting young people who have an identity that is different from any of us. It is about reflecting the definition of hatred that says that it is an affection of the mind awakened by something regarded as evil. Can we in America regard human life as evil?

Even as Christians, and many of us are not, the Bible dictates about the instruction of loving thy neighbor. This bill reflects on the needs of African Americans and Hispanics and the disabled and those with gender identity. It reflects on the fact that brutality and viciousness because of hate cannot be tolerated by a country that believes we are all created equal.

This is a fair bill. It does not encourage you to change your faith, but it encourages you to adhere to democracy and to the Constitution.

Mr. Speaker, I rise in strong support of H.R. 1592, the "Local Law Enforcement Hate Crimes Prevention Act of 2007." Mr. Speaker, as important as it is to apprehend, prosecute, convict, and punish severely those who commit hate crimes, we can all agree that in the long run it is even more important and better for society if we can increase our effectiveness in eradicating the desire to commit a hate crime in the first place. I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult.

Mr. Speaker, Webster's Dictionary defines hate as a "strong aversion; intense dislike; hate; an affection of the mind awakened by something regarded as evil."

Mr. Speaker, before I proceed any further, I would be remiss if I failed to note that this legislation is more timely than any of us could have predicted just a month ago. Two weeks ago, at Virginia Tech University, one of the Nation's great land grant colleges, we witnessed the most senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence taken against persons for no reason other than that they are different, whether in terms of race, religion, national origin, gender, or sexual orientation. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply because he or she is different poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be outlawed and punished severely. That is why I have, Mr. Speaker, since 1999 introduced and supported strong legislation to deter and punish hate crimes, including as noted earlier, H.R. 254, the "David Ray Hate Crime Prevention Act of 2007" pending in this Congress.

Mr. Speaker, every act of violence is tragic and harmful in its consequences, but not all crime is based on hate. A "hate crime" is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religion, sexual orientation, or disability.

The purveyors of hate use explosives, arson, weapons, vandalism, physical violence, and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations.

Of all crimes, hate crimes are most likely to create or exacerbate tensions, which can trigger larger community-wide racial conflict, civil disturbances, and even riots. Hate crimes put cities and towns at risk of serious social and economic consequences. The immediate costs of racial conflicts and civil disturbances are police, fire, and medical personnel overtime, injury or death, business and residential property loss, and damage to vehicles and equipment. Long-term recovery may be hindered by a decline in property values, which results in lower tax revenues, scarcity of funds for rebuilding, and increased insurance rates.

Mr. Speaker, a study funded by the Bureau of Justice Statistics released September 2000, shows that 85 percent of law enforcement officials surveyed recognize bias-motivated violence to be more serious than similar crimes not motivated by bias.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family, but the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community and sometimes the Nation. For example, it is easy to recognize the difference between check-kiting and a cross burning; or an arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue burning has a profound impact on the congregation, the faith community, the greater community, and the Nation.

Mr. Speaker, some opponents of hate crimes legislation claim that such legislation is a solution in search of a problem. They claim that there is no epidemic of bias-motivated violence and thus no need to legislate. I wish to briefly address this claim.

#### VICTIMS AND PERPETRATORS

According to the Bureau of Justice Statistics, racially motivated hate crimes most frequently target blacks. Six in ten racially biased incidents target blacks, and 3 in 10 incidents targeted whites. Hispanics of all races were targeted in 6.7 percent of incidents and Asians in 3 percent. Younger offenders were responsible for most hate crimes and most of their victims were between 11 and 31. The age of victims of violent hate crimes drops dramatically after age 45. Thirty-one percent of violent offenders and 46 percent of property offenders were under age 18. Thirty-two percent of hate crimes occurred in a residence, 28 percent in an open space, 19 percent in a retail commercial establishment or public building, 12 percent at a school or college, and 3 percent at a church, synagogue, or temple.

#### EXAMPLES OF CRS HATE CRIME CASES

In Harris County—Houston—Texas, in a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican-American, was severely assaulted April 23, 2007, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen-age attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days—almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, young David Ray's assailants punched him unconscious, kicked him in the head, sadistically inflicted 17 cigarette burns that still scar his body, poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

In Jasper, Texas, an African-American man, James Byrd, Jr., was brutally murdered by being kidnapped, beaten unconscious, spray painted in the face with black paint, tied to the back of a pick-up truck, pants dropped down to his ankles, dragged 2.5 miles over pavement through a rural Black community in Jasper County called Huff Creek, leaving his skin, blood, arms, head, genitalia, and other parts of his body strewn along the highway, his remains were dumped in front of a Black cemetery.

In Springfield, Missouri, an African-American male in the company of a white female was stabbed at local Denny's restaurant by a group of white males.

Near San Diego, California, elderly immigrant workers were attacked by white youths. The body of a Latino immigrant youth was also discovered in the same vicinity as the attacks on the workers.

An African-American employee of a construction company in Marquette, Kansas, reported that he had been racially harassed for several months by fellow employees through racist graffiti and name-calling.

A Jewish synagogue was vandalized by four Arab-American males in the Bronx, New York.

Every individual's life is valuable and sacred, and even one life lost is too many. There is ample evidence that violent, bias-motivated crimes are a widespread and serious problem in our Nation. But it is not the frequency or number of these crimes alone, that distinguish these acts of violence from other types of crime; it is the impact these crimes have on the victims, their families, their communities and, in some instances, the Nation.

Evidence indicates that bias-motivated crimes are underreported; however, statistics show that since 1991 over 100,000 hate crime offenses have been reported to the FBI, with 7,163 reported in 2005, the FBI's most recent reporting period. Crimes based on race-related bias were by far the most common, representing 54.7 percent of all offenses for 2005. Crimes based on religion represented 17.1 percent and ethnicity/national origin, 13.2 percent. Crimes based on sexual orientation constituted 14.2 percent of all bias-motivated crimes in 2005, with 1,017 reported for the year.

The National Coalition of Anti-Violence Programs (NCAVP), a non-profit organization that tracks bias incidents against gay, lesbian, bisexual and transgender people, reported 1,985 incidents for 2005 from only 13 jurisdictions, compared to the 12,417 agencies reporting to the FBI in 2005.

Additionally, the Hate Crimes Statistics Act makes the reporting of bias-motivated crimes by State and local jurisdictions voluntary, resulting in no participation by many jurisdictions each year. Hawaii, for instance, did not participate in reporting at all in 2005. Underreporting is also common. Wyoming, for instance, reported only 4 incidents for 2005. Six States reported 10 or fewer incidents in 2005. Some large cities have been egregiously deficient in reporting hate crimes. Jacksonville, Florida, for example, reported only 5 incidents in 2005.

Sadly, statistics only give a glimpse of the problem. It is widely recognized that violent crimes on the basis of sexual orientation often go unreported due to fear and stigmatization. A Department of Justice report released in October 2001 confirms that bias-motivated crimes are under-reported; that a disproportionately high percentage of both victims and perpetrators of these violent crimes are young people under 25 years of age; and that only 20 percent of reported hate crimes result in arrest.

A December 2001 report by the Southern Poverty Law Center, SPLC, a nonprofit organization that monitors hate groups and extremist activity in the United States, went so far as to say that the system for collecting hate crimes data in this Nation is "in shambles." SPLC estimates that the real number of hate crimes being committed in the United States each year is likely closer to 50,000, as opposed to the nearly 8,000 reported by the FBI.

Next, Mr. Speaker, let me address the specious claim that H.R. 1592 abridges free

speech. Opponents seem to be complaining that the legislation would prohibit pursuant to Rule 404 of the Federal Rules of Evidence, the introduction of substantive evidence of the defendant's expression or associations, unless the evidence specifically relates to the offense or is used to impeach a witness. In this way, the legislation strikes the appropriate balance between two competing interests: the interest of the government in punishing hate crimes and the rights of the defendant.

Hate crimes legislation allows society to prescribe greater punishments for hate crimes because of the distinct emotional harm they cause their victims, the community unrest they incite, and the likelihood that they will provoke retaliatory crimes. See *Wisconsin v. Mitchell*, 508 U.S. 476, 488 (1993) (upholding a hate crimes punishment enhancement statute). However, H.R. 1592 also protects a defendant's rights by only permitting the introduction of evidence within the confines of the Federal Rules of Evidence and the First Amendment.

The First Amendment protects speech and expressive conduct. Our bill only punishes criminal conduct, which is not protected by the First Amendment. Any argument that this legislation punishes expressive conduct would likely be unsuccessful because using violence to convey one's ideas is outside the scope of the First Amendment. *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 916 (1982). In *Wisconsin v. Mitchell* the Court distinguished between statutes that are explicitly directed at expression and statutes that are directed at conduct. 508 U.S. at 487. The Court upheld the statute in *Wisconsin v. Mitchell* because it was directed at criminal conduct, unlike the statute at issue in *R.A.V. v. St. Paul*, which the Court struck down because it was explicitly directed at expression. *Id.* The critical flaw with the statute at issue in *R.A.V.* was that it was viewpoint discriminatory: It prohibited otherwise permissible speech based on the subject and perspective of the speech. *R.A.V. v. St. Paul*, 505 U.S. 377, 391 (1992).

H.R. 1592 does not ban religious, political, or offensive speech, or even punish expressive conduct, such as cross burning or flag burning. Rather, the legislation is only directed at criminal conduct that is independently criminal, such as assault or murder. It punishes conduct that is already criminal more severely because of the defendant's motivation in choosing the victim. Thus, evidence of a defendant's expressions and associations properly can be admitted under certain circumstances.

Moreover, Mr. Speaker, nothing in this legislation would prohibit the lawful expression of one's deeply held religious beliefs. If they wish, any person will continue to be free to say things like: "Homosexuality is sinful"; "Homosexuality is an abomination"; or "Homosexuals will not inherit the kingdom of heaven." This is because H.R. 1592 only covers violent actions committed because of a person's sexual orientation that result in death or bodily injury.

Mr. Speaker, the American public opinion strongly favors this legislation. According to a recent survey by Peter Hart and Associates, voters overwhelmingly favor expanding the definition of hate crimes to include crimes against people based on sexual orientation or gender identity. Three in four (73 percent) voters favor Congress's expanding the definition

of hate crimes in this way, including 62 percent who strongly favor it. Just 22 percent oppose this action, with 17 percent who strongly oppose it.

Support for hate crimes definition expansion is strong across the board. Large majorities of every major subgroup of the electorate—including such traditionally conservative groups as Republican men (56 percent) and evangelical Christians (63 percent)—express support for this proposal. Support also crosses racial lines, with three in four whites (74 percent), African Americans (74 percent), and Latinos (72 percent) favoring Congress's including sexual orientation and gender identity in the definition of hate crimes.

Voters believe strongly in government's obligation to protect all citizens, the fact that crimes based on prejudice are directed against an entire community, and that it would give local law enforcement extra help in solving crimes.

Voters soundly reject arguments against this proposal. Whether it is the idea that it creates unequal treatment under the law; that it attacks the moral and religious beliefs of those opposed to homosexuality; or that it equates being gay with being Black or a woman, arguments against the hate crimes bill are not compelling to the public.

Finally, Mr. Speaker, by passing H.R. 1592 we also pay fitting tribute to David Ray Ritcheson of Spring, Texas, my constituent, friend, and a very courageous young man. David Ray, a victim of one of the most horrible hate crimes in Harris County, Texas came forward to tell his story to the Crime Subcommittee in the hopes of saving others from experiencing a similar brutal ordeal. In coming forward, he has performed a valuable service to our Nation. In going forward with H.R. 1592 and seeing it through to final passage, this Committee is also performing a great service to our Nation by hastening the day when we make hate history.

In conclusion, let me say that I strongly support H.R. 1592 and will vote to report the bill favorably to the full Committee.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield 1 minute to JAN SCHAKOWSKY of Illinois.

Ms. SCHAKOWSKY. I thank the gentleman.

I am so proud to stand here against hate, but even more, I feel compelled to stand here against violence.

When the categories of people that are named in this bill were picked, it wasn't sort of a capricious or random or even a liberal bias sort of thing, that we want to support certain people or single them out. It is because the statistics show us and the law enforcement community who supports this bill has said, these are the victims of violence. They are named for only one reason and that's it. And we are talking about people who are victims of assault, of brutal attacks, of torture, or even of murder.

You can say it as many times as you want. This is not about thought. This is not about speech. This is about violence. And you or your pastor may not agree with homosexuals or transgenders, but surely you don't

think that is a reason for them to be assaulted.

Support the bill.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I apologize to my colleagues. We have twice as many requests for time than we have the time.

Mr. Speaker, I now yield 30 seconds to the brilliant gentlelady from Oakland, California, BARBARA LEE.

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, let me thank Congresswoman BALDWIN and Congressman BARNEY FRANK for making sure we have a chance to vote on this very important legislation today. And I just want to briefly tell you a story, if I can, very quickly.

There was a young lady next to my district named Gwen Araujo. She was viciously beaten to death and buried, again, by four men, simply because she was born a male. Gwen was comfortable as herself, as a transgendered woman who had gone through most of high school as a girl and had the love and support of her family, particularly her mother, Sylvia Guerrero.

Mr. Speaker, let me just say there are so many stories of countless people who are dead, countless people who get killed because of their God-given right that they were living to be themselves.

Mr. Speaker, I rise today in strong support of H.R. 1592, and I am pleased that today, we can have a vote on the legislation that I know many of us have in this chamber. Chairman CONYERS, Congresswoman BALDWIN, and Congressman FRANK.

This legislation is long overdue. In the history of this Nation, there is a dark chapter. That chapter is full traumatic scenes of people being murdered, beaten, attacked, raped, harassed, and threatened because something about them was different from their aggressors. Whether it has been the color of their skin, their religion, their gender, their disability, National origin, or their sexual orientation or identity the sad fact is that so many in this country have suffered violence, often ending in death, because of one of these reasons.

Sadly, many of the recent attacks based on sexual orientation have been on black gay men. One of those stories happened in New York this past October, when a young man named Michael Sandy, was beaten by four men who set him up, just so they could beat and rob him. He ended up in a coma for several days, before finally succumbing to his injuries. In court proceedings, it was revealed that his attackers would often seek out gay men to steal from and attack. Fortunately, New York has a Hate Crimes law that includes sexual orientation.

Many hate groups have also used the debate on immigration to amp up their hate speech, and violence, promoting hate crimes against Mexican-Americans and other Latinos. In Houston, TX, David Ritcheson, a 16 year-old Mexican-American high school football team member was viciously and savagely beaten by two young skinheads. They poured bleach on him, and sodomized him, leaving him a coma, with massive internal injuries and now deaf in one ear.

And closer to home, right outside my district in Newark, CA, a young woman in high school, named Gwen Araujo, was viciously beaten to death and buried, again, by four young men, simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, who had gone through most of high school as a girl, and had the love and support of her family, particularly her mother, Sylvia Guerrero.

Her story resonates with me because in my time in the California Legislature, I championed the California School Hate Crimes Reduction Act. I did so because our children needed to feel safe in their schools. I was determined to include sexual orientation in that bill. Doing so made passing that legislation an uphill battle, even leading to a veto by Governor Pete Wilson. Nonetheless, we were finally able to pass the California School Hate Crimes Act of 1995, thanks to the assistance of our former Republican colleague, Congressman Tom Campbell who was then serving with me in the California Legislature. During that period, I learned just how deep-seated the hate against people who were gay or transgendered, black or latino, or otherwise somehow different, still is today and that is why we need to pass H.R. 1592 today.

Mr. Speaker, these stories are just a small glimpse of the vicious crimes going on out there. We must pass this legislation today, in the memory of Michael Sandy, Gwen Araujo, and countless others who are now dead, simply because they were themselves. People have a God given right to be themselves and as law makers we must protect everyone from violence based on hate. As an African-American woman who has faced so much hatred and so much discrimination in my life I implore you today to remember the words of Dr. M.L. King, Jr. Injustice anywhere is a threat to justice everywhere.

Mr. CONYERS. Mr. Speaker, I am honored to yield 1 minute to the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, this will be one of the serious votes that we cast during this session. This will be a vote on whether or not we are going to allow bigotry to manifest itself in hate and result in violence.

My friend, Artur Davis, rose and he said he didn't know anybody of faith who recommended violence. I would suggest that tragically the citizens of the United States know all too well some who claim to be men of faith and who have issued fatwas to kill those not of their faith, and that if they do so, Allah will reward them. We call them terrorists. They kill not because of individual wrongdoing or individual action. They kill because of the membership in a faith or a race or a nationality, because perhaps we are Christian or we are Jews or we are Americans. And we call them terrorists.

This is an important vote. Neither the exercise of bigotry nor the rationalization of bigotry ought to be sanctioned in this great House, but we know through the centuries it has been. We know there were those who in times past rose on this floor and rationalized slavery and rationalized why we should not have antilynching laws in America. We know that. We lament it, and we say to ourselves had we

lived in those times, had we lived in the 18th century, hopefully we would have been beyond our time, or in the 19th century hopefully beyond our time, or in the 20th century hopefully beyond our time, as Martin Luther King, Jr., urged us to be.

We serve now in the 21st century, and we know that there are those in America and throughout the world who preach hate against a class of people not because of their actions, not because of their character, but because of who they are. That is what this vote is about today.

Through this legislation, the Local Law Enforcement Hate Crimes Prevention Act, the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It has been too recent that lynching was rationalized in our country. It is too present in today's society that some across the sea and, yes, some here rationalize violence because of membership in another class different than they. It is long past time to bring the existing Federal hate crimes law, which was enacted nearly 40 years ago, into the 21st century. Under existing law, Federal jurisdiction over hate crimes is limited to those acts directed at individuals on the basis of race, religion, color, or national origin.

Let me say something about that to my friends. We have come to accept in America in the 21st century that it is not respectable nor acceptable to be bigoted against those who are black, be bigoted against those who are women, be bigoted against those who are Catholic or Baptist or Jews or Muslims. It is not respectable. It is not acceptable. You don't talk about that in the restaurant anymore.

But there is a class in America that is still respectable, rationalized many times by faith. But then segregation was rationalized for faith-based reasons.

My friends, this is an important vote of conscience, of a statement of what America is, a society that understands that we accept differences. We may not agree with those differences, but we know if society is to be free that we must accept differences.

□ 1245

That is the bedrock of what America means, not just to us, but to all the world.

And so today, my friends, I say we have an important statement to make, not a bill to pass, but a statement to make about the values of our country.

I had a prepared statement here, I won't read the balance of it. But I hope that every Member has the courage and the perspective, that when they rise from their bed 20 years from now, they will be able to say, unlike some of our predecessors in centuries past who failed the test of tolerance, to say that

we had the courage to live out the principles that makes America such a wonderful, great, decent and just Nation.

Vote for this bill. Vote for our principles. Vote for your faith that teaches that we reach out to lift up and to love. Vote for this bill.

Mr. Speaker, today, through this legislation—"The Local Law Enforcement Hate Crimes Prevention Act"—the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It is long past time to bring the existing Federal hate crimes law, which was enacted nearly 40 years ago, into the 21st century.

Under existing law, Federal jurisdiction over hate crimes is limited to those acts directed at individuals on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a Federally protected activity, such as voting.

This legislation broadens this provision to cover all violent crimes motivated by race, religion, or national origin, when the defendant causes bodily injury or attempts to cause bodily injury.

Furthermore, the bill expands current law to prohibit the same conduct, if such conduct is motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability.

Mr. Speaker, the fact is, the Federal Government has long had a history of combating crimes based on prejudice.

This bill simply expands the current law to groups that historically have been affected by violence and thus it responds to the reality in America today.

According to the FBI, race ranks first among motivations for hate crimes and sexual orientation ranks second among the reasons that people are targeted.

Some people ask: Why is this legislation even necessary?

To them, I answer: because brutal hate crimes motivated by race, religion, national origin, gender, sexual orientation and identity or disability not only injure individual victims, but also terrorize entire segments of our population and tear at our Nation's social fabric.

Let us be clear: This legislation does not affect free speech, or punish beliefs or thoughts. It only seeks to punish violent acts.

Furthermore, Mr. Speaker, this bill would allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes, and would clarify the conditions under which such crimes could be federally investigated and prosecuted.

Enacting these important additions to current law will send a very powerful message that crimes committed against any American—just because of who he or she is—are absolutely unacceptable.

Not surprisingly, this legislation is supported by 31 State attorneys general, and more than 280 national law enforcement, professional, education, civil rights, religious and civic organizations, including the International Association of Chiefs of Police, the National District Attorneys Association and the National Sheriffs Association.

I urge my colleagues: Vote for this legislation, not only because it is important and nec-

essary but also because it is the right thing to do.

Mr. CONYERS. Mr. Speaker, it is my honor now to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank the distinguished chairman of the Judiciary Committee, Mr. CONYERS, for yielding time, but more importantly, for bringing this important legislation to the floor in his ongoing, long commitment to justice in our country. And I want to commend Congresswoman TAMMY BALDWIN and Chairman BARNEY FRANK for their leadership. It is an honor to call you colleague. Thank you for giving us the opportunity today to make America more American.

Every day we come to this floor, we honor the tradition of our Founders, that every person is created equal, and that we are all God's children. Every day that we come to this floor, we pledge allegiance to the flag, and at the end of that pledge we say "with liberty and justice for all." That is what today is about. Because in the preamble to the Constitution, which we take an oath to, we talk about forming a more perfect union. Our Founders knew that our Constitution had to be amended. They knew that we had to move to a more perfect union in terms of legislation to reflect the values of our country. And so we are here today to extend to the hate crimes legislation others who have had hate crimes committed against them. The record is clear.

What I am so interested in is the fact that so many law enforcement organizations have endorsed this legislation. My colleagues have spoken very eloquently as to why this is about the values of our country. They have spoken very clearly about the need for this legislation. And if it has been said, I think it bears repeating that the law enforcement organizations, many of them, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, as well as nearly 30 attorney generals across the country, support need for Federal hate crime legislation. They are joined by more than 230 civil rights, education, religious and civic organizations who have voiced their support. Let us be clear that this Congress, this House of Representatives, have heard their call.

Hate crimes, as have been said, have no place in America, no place where we pledge every morning "with liberty and justice for all." We must act to end hate crimes and save lives.

Mr. Speaker, the legislation will help prevent bias-motivated violence based on religion, sexual orientation, gender, gender identity, national origin or disability, while respecting the first amendment rights of free speech and religious expression. It increases the ability of State, local and Federal law enforcement agencies to solve a wide range of violent hate crimes.

We in our country take pride in saying that we are moving to end discrimination of all kinds. Today, we have an opportunity to end discrimination and the violence that goes with it that equal a hate crime. So whatever you may think of any one of us, based on our ethnicity or our gender or whatever, you have no right to act upon that opinion in a violent way. Who would disagree with that? That is why I hope that we can send a clear message from the Congress that this Congress does not agree with that and pass this legislation.

Who of us can think of the story of the Shepard family and the Byrd family and so many examples that we have of this and not say that is wrong. And at the very least, we can pass legislation that tells Federal authorities that they can assist State and local authorities in enforcing the law. Over 100,000 hate crimes reported since 1991. There are so many more that go unreported, many of them unprosecuted.

So today, let us take this step forward that is consistent with the values of our Founders, both in terms of all being equal, and our faith that we are all God's children, but also consistent with the call and the preamble to form a more perfect union.

Again, passing this legislation makes America more American. I urge a "yes" vote.

Mr. CONYERS. Mr. Speaker, I yield now for a unanimous consent request to the gentleman from Ohio.

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise in support of this legislation, because our Nation is one.

I rise today in support of the Local Law Enforcement Hate Crimes Prevention Act. Crime, violent crime in particular, has repercussions beyond the individual perpetrator and victim. It impacts family and friends and the surrounding community.

Hate crimes, whether motivated by the race, creed, or sexual orientation of an individual, terrorize a community. In 2005, 7,163 hate crimes were reported to the FBI. Over half of those hate crimes were motivated by race-related bias. Seventeen percent were crimes based on religion. One in six hate crimes is motivated by the victim's sexual orientation. The purpose and intention of these crimes extends beyond the crime itself. They serve to instill fear in others sharing that trait.

This legislation does not punish thoughts or speech; it punishes crimes motivated by bias against the race, religion, national origin, gender identity, or sexual orientation of the victim. It gives law enforcement additional tools to punish violent crimes.

Hate crimes are inherently divisive. Regardless of the group targeted, hate crimes undermine our collective ability to look past our differences and find common ground. If we as a Nation seek the eradication of acts of violence, we must address the underlying causes of that violence. We must uncover and address the hatred and discrimination that motivates these crimes.

This legislation is step towards that goal. I urge my colleagues to support H.R. 1592.

Mr. CONYERS. Mr. Speaker, I now yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, we make progress in dealing with discrimination based on sexual orientation when we're not distracted by myth and bigotry, but when we deal with the rights and needs of real people. I am pleased that that is why we will pass this hate crime legislation today which follows progress in my State of Oregon just this week, where we have provided protection for domestic partnerships and antidiscrimination legislation. I hope it will herald changes on the Federal level in the military for gays and lesbians, and in the workplace with non-discrimination protection for all Americans.

When we deal with real people, their rights and needs, we will solve these problems and America will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 30 seconds to my dear friend from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in strong support of this legislation because it is time to take a stand against the violence, the violent acts that flow from prejudice. This is not about the thought police, this is not about sermons on morality, this is about the status of our civilization, and it is about our humanity.

As human beings, we have the right to be safe from physical attack, no matter our race, our religion, sexual orientation or gender identity. In other words, human beings have the right to be safe from attacks based on who they are. No one should have to be afraid because of who they are.

We need to pass this legislation to ensure that this principle is embodied in our law.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize our brother from Missouri (Mr. CLEAVER), himself a minister, for 30 seconds.

Mr. CLEAVER. Mr. Speaker, as best as can be determined, I have delivered at least 15,600 sermons. I have never been investigated, I have never been indicted. I have spoken in churches and synagogues all around this country. I have spoken to thousands of pastors and clergy. I know not one who has been investigated for a sermon.

And so today I must not say I cannot, I must not, I will not sit silently and watch any injustice because in the words of my unlettered grandmother, "The God I serve don't make no trash."

Mr. CONYERS. Mr. Speaker, I now recognize the gentleman from Rhode Island (Mr. LANGEVIN) for 30 seconds.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. This legislation will expand the Federal definition of hate crimes to include crimes which a victim was selected because of his or her disability.

So much has been done over the years to ensure inclusion of Americans with disabilities in our communities. Sadly, though, there have been shameful instances where these Americans, who may look or speak differently than others, are victims of abuse, neglect or targeted crimes. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement. Many violent crimes against people with disabilities go unreported or unprosecuted. Providing Federal resources to law enforcement is essential to help ensure proper prosecution of these crimes.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. This legislation will expand the Federal definition of hate crimes, allowing for Federal resources for law enforcement in their investigations and prosecutions of hate crimes.

I come to the floor today to draw attention to the inclusion of crimes in which a victim was selected because of his or her disability.

The Supreme Court's Olmstead decision, the ADA and other progressive policies have resulted in increased inclusion of Americans with disabilities in our classrooms, workplaces and communities. As a nation, we are growing in our acceptance of those who are perceived as "different." But this effort has not been without growing pains. Many people with disabilities look or speak differently or struggle with challenges like chronic seizures. We have seen too many shameful instances where these Americans are the victims of abuse, neglect and targeted crimes.

I recently learned the story of Ricky Whistnant, a mentally retarded adult man who was excited to have the opportunity to live independently at the age of 39. With the support of a local social service agency, he moved out of a Connecticut state group home and learned to cook for himself, maintain an apartment and be a part of the community. One evening, after cooking himself a chicken dinner, Ricky went to the corner store to buy some soda. He encountered a group of teenagers who mocked him, followed him back to his apartment, hurled a soda bottle at him. After he fell, striking his head on a windowsill, the boys continued to kick and taunt him. Ricky died a short time later in the hospital.

Ricky's story is extreme, but it is not isolated. It represents the reality of the challenges faced by individuals with disabilities. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement, and sadly many violent crimes against people with disabilities go unreported or unprosecuted.

As policymakers, we have a responsibility to address this problem. The inclusion of disability in the Federal hate crimes statute is a meaningful and substantive way to combat violence against Americans with disabilities. I urge my colleagues to vote in favor of H.R. 1592.

Mr. CONYERS. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas controls 4 minutes.

The gentleman from Michigan has 50 seconds remaining.

Mr. CONYERS. I am now pleased to recognize LYNN WOOLSEY of California for 30 seconds.

Ms. WOOLSEY. Mr. Speaker, my granddaughter, Julia, is 3 years old. She goes to preschool. Even in preschool, they gang up and they bully. The parents at that preschool tell me that my Julia steps in and she stops it. She will not put up with bullying and unfairness.

It is our turn. Be as brave as a 3-year-old. Vote for H.R. 1592. Show the world that if not now, when?

Mr. SMITH of Texas. Mr. Speaker, I will yield the balance of my time to my good friend and colleague from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Texas for his leadership on the committee and his strong opposition to this legislation.

I rise in strong opposition to the legislation as well. This bill would increase penalties for those who commit crimes against certain groups of citizens, but not others. For example, if a man walks down the street and punches another man because the victim is a transvestite, the aggressor would be punishable by up to 10 additional years in prison. However, if the same man walks down the street and punches another person because the victim is a pregnant woman, a senior citizen, a child under the age of 10, a veteran or the like, then the aggressor would not be punishable by the potential 10-year prison sentence. This is simply unfair.

While I strongly support efforts to rid our schools, neighborhoods and communities of violent crimes, I do not believe that new Federal laws specifically addressing hate crimes are necessary.

Today, there are few, if any, cases in which law enforcement has not prosecuted violent crimes to the fullest extent of the law, regardless of the background of the person.

In addition, this bill sets a dangerous and unconstitutional precedent of punishing citizens for their thoughts. When prosecutions occur under this bill, prosecutors will undoubtedly submit evidence of prior statements by individuals to prove that the aggressor was motivated by hate. This will have a chilling effect on citizens' willingness to speak freely as citizens will adapt to a new world where the Federal Government can cause any unpopular statements they make to be used against them in the future.

One of the great freedoms we have as Americans is our first amendment right to speak our minds, whether our thoughts are popular or unpopular, and this legislation undermines that right.

□ 1300

Again, I abhor acts of violence against any citizen. I abhor bigotry

and believe that such crimes should be punished to the fullest extent of the law when aggressive violence occurs. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

For these reasons, I strongly urge my colleagues to oppose this bill. However, if my colleagues need to be reminded further, I would like to share with them the statement of the administration regarding this legislation, H.R. 1592:

"The administration favors strong criminal penalties for violent crime, including crime based on personal characteristics such as race, color, religion, or national origin. However, the administration believes that H.R. 1592 is unnecessary and constitutionally questionable. If H.R. 1592 were presented to the President, his senior advisors would recommend that he veto the bill.

"State and local criminal laws already provide criminal penalties for the violence addressed by the new Federal crime defined in section 7 of H.R. 1592, and many of these laws carry stricter penalties (including mandatory minimums and the death penalty) than the proposed language in H.R. 1592. State and local law enforcement agencies and courts have the capability to enforce those penalties and are doing so effectively.

"There has been no persuasive demonstration of any need to federalize such a potentially large range of violent crime enforcement, and doing so is inconsistent with the proper allocation of criminal enforcement responsibilities between the different levels of government. In addition, almost every State in the country can actively prosecute hate crimes under the State's own hate crimes law."

Mr. Speaker, I include the balance of the statement of administration policy for the RECORD.

H.R. 1592 prohibits willfully causing or attempting to cause bodily injury to any person based upon the victim's race, color, religion, or national origin, gender, sexual orientation, gender identity, or disability. The Administration notes that the bill would leave other classes (such as the elderly, members of the military, police officers, and victims of prior crimes) without similar special status. The Administration believes that all violent crimes are unacceptable, regardless of the victims, and should be punished firmly. Moreover, the bill's proposed section 249(a)(1) of title 18 of the U.S. Code raises constitutional concerns. Federalization of criminal law concerning the violence prohibited by the bill would be constitutional only if done in the implementation of a power granted to the Federal government, such as the power to protect Federal personnel, to regulate interstate commerce, or to enforce equal protection of the laws. Section 249(a)(1) is not by its terms limited to the exercise of such a power, and it is not at all clear that sufficient factual or legal grounds exist to uphold this provision of H.R. 1592.

Mr. Speaker, I urge my colleagues to support the administration and oppose this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to conclude our debate by yielding our remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, Dr. King reminded us that on some questions, cowards will ask us, is it safe? What will happen to me if I do this? The answer is, what will happen to them if we don't do it? And on some questions, expediency will ask, is it politic? Will I get reelected? And then vanity asks, is it popular?

Today, let's do that which is neither safe nor politic nor popular. Let's do it because it's right.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act.

This bipartisan legislation will give state and local law enforcement the tools and resources they need to prevent and prosecute violent hate crimes.

In the not so distant past, violence motivated by hatred or discrimination towards a minority was sanctioned by our government. As we struggled to right the inequities present in our society, many used targeted violence against individual African Americans as a tactic to scare African Americans in general and discourage the Civil Rights Movement overall.

This type of targeted violence against a minority—violence specifically intended to intimidate and repress all members of that minority—was particularly reprehensible and damaging to society as a whole. Congress recognized that these particularly heinous actions warranted stronger criminal penalties, which were codified in Federal hate crimes law in 1968.

Unfortunately, almost 20 years later biased violence continues, and while the groups and individuals victimized have changed, the damage remains the same. In 1998, Matthew Sheppard was viciously murdered because of his sexual orientation. In January 2000, a 16-year-old high school female student was brutally attacked by a group of teenagers because the student was holding hands with another girl—a common practice in her native country in Africa. Just last October, Michael Sandy was beaten then chased into traffic and killed because he was gay.

Under current law, the attackers in each of these cases could not be prosecuted for a hate crime for two reasons. First, in order for it to constitute a federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act addresses both these gaps in current law by expanding the definition of a hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity or disability. It also expands the instances in which federal authorities can prosecute or assist local authorities in prosecuting hate crimes.

Importantly, the bill before the House includes specific language stating that nothing in the bill can be interpreted to prohibit "expressive conduct" protected by the First Amendment. In doing so, we have ensured that this legislation in no way impinges on one's constitutional right to freedom of speech or religious expression.

The Hate Crimes Prevention Act enjoys the strong support of law enforcement, and has



been endorsed by International Association of Chief of Police, the National Sheriffs' Association, the National District Attorneys Association, as well as 31 state Attorneys General.

I urge my colleagues to join me in supporting this important legislation. In doing so we are sending a clear message that hate crimes have no place in America.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the Local Law Enforcement Hate Crime Prevention Act, H.R. 1592. This legislation seeks to address the pernicious effects that hate crimes have on our society.

Bigotry, bias, and ignorance have existed since the dawn of time. Yet, in a country founded on the principles of freedom, equality and liberty for all, we must do all we can to stop individuals from committing crimes based solely on prejudice.

According to the FBI's Uniform Crime Report, there were 7,163 hate crimes committed in 2005 and we can be sure that number is low for crimes that are underreported. Hate crimes are very real. And each hate crime spreads fear and violence among an entire community. It's long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

To paraphrase Martin Luther King, the laws we pass may not change the heart; but they can restrain the heartless.

As an original cosponsor of this legislation, I believe it is the fundamental role of government to protect its citizens. Therefore, it is necessary and proper for the federal government to work in conjunction with local law enforcement officials to robustly prosecute crimes motivated by bigotry.

The Local Law Enforcement Hate Crimes Prevention Act expands our Nation's existing hate crimes laws to ensure that certain violent crimes committed against an individual because of race, religion, national origin, gender, sexual orientation, gender identity, or disability are prosecuted. As this bill states, bias and bigotry related crime "savages the community sharing the traits that caused the victim to be selected" for the crime. Additionally, this legislation expands the hate crime statute by dropping the requirement that the victim had been engaged in six specifically defined federally protected activities, such as voting.

H.R. 1592 also creates a grant program for the federal government to assist state and local law enforcement agencies in investigating and prosecuting hate crimes. State and local law enforcement prosecute the overwhelming majority of hate crimes. However, investigating and prosecuting these acts takes more time and resources than many local and state agencies may possess. Thus, H.R. 1592 authorizes the federal government to provide tools and resources that are needed by local law enforcement.

This legislation is supported by the National Sheriffs Association, National District Attorneys Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Coalition of Public Safety Officers, Anti-Defamation League, American Jewish Committee, Consortium of Developmental Disabilities Councils, Human Rights Campaign, NAACP, National Victim Center, United States Conference of Mayors, National Gay and Lesbian Task Force, American Association on Mental Retardation, and more than 200 other law enforcement, religious, civil rights, and civic organizations.

By making our Nation's hate crimes statutes more comprehensive, we will take a needed step in favor of tolerance and against prejudice and hate-based crime in all its forms. This legislation sends a strong message that hate-based crime cannot be tolerated and will be vigorously prosecuted.

Ms. KILPATRICK. Mr. Speaker, at the beginning of every Congress, every member of this august body takes an oath to "defend and protect the Constitution of the United States, against all enemies, foreign and domestic." It is an oath that I am proud that the majority of the citizens of the 13th Congressional District of Michigan have honored me with their vote for more than 12 years. One of the most important duties that I have as a Member of the United States House of Representatives is to protect and defend its citizens, which is precisely what H.R. 1592, the Hate Crimes Prevention Act, introduced by my fellow Michigander and Detroit, one of the founders of the Congressional Black Caucus, House Judiciary Chairman JOHN CONYERS, JR. This bill protects all Americans from bias-motivated violence; it provides funds so that local authorities can tackle the tough challenge of hate crimes, and it protects the First Amendment to the Constitution. It does not criminalize speech or thoughts; it does not give some people "special rights," and it is not anti-Christian.

As a child and as a proud Christian, the least common denominator of all of the lessons that I learned from my parents and minister is about God's ethic of love. Along that, I learned from the practices of my parents and my minister my divine responsibility to love our neighbors as ourselves. Indeed, it is out of my love that all of my brothers and sisters, and the activism that Jesus Christ illustrated through loving His enemies, through His compassion for the poor, the down trodden, and those who seek justice, that I became an activist, a state legislator and now a Member of Congress. It is that thirst for justice for all human beings that drives all that I do, guided by unerring and infinite wisdom and faith in God.

Despite the teachings of my parents and that of countless clergy—of all religions—around our Nation, there are some who perpetrate crime with hatred and bigotry in their heart. Who can forget that, during the civil rights era, the murders of the courageous Medgar Evers? Who can forget the killing of civil rights workers James Chaney, Michael Schwerner, and Andrew Goodman for merely registering African Americans to vote? Who can forget the murder of native Detroiters Viola Liuzzo, who was gunned down as she drove civil rights workers to voting booths? All of these crimes, motivated by some bias, were ultimately prosecuted under Federal laws because, at the time, local authorities were either unable or unwilling to prosecute these crimes. These crimes could only be prosecuted because all of these individuals were participating in activities protected by the Federal Government—helping individuals vote or register to vote, for example. Only in limited, specific instances does this law even apply.

I vote in support of H.R. 1592 because H.R. 1592 sends a powerful message that all crime motivated by hatred and bias will not be tolerated in our society. I have voted for this bill at every opportunity when it came before the U.S. Congress. This legislation strengthens Federal law by providing local authorities with

more money to prosecute hate crime and by expanding the jurisdiction to crimes motivated by bias against the victims actual or perceived sexual orientation, gender, or disability.

Unfortunately, opponents of this bill are shamelessly advancing false claims about the bill's impact on religion, particularly the freedom of clergy to preach about their beliefs, and that the bill legalizes certain sexual acts. Both of these claims are patently false. If you are a minister, this bill does not restrict any sermon, homily, speech or lesson unless that minister plans to start urging people to go out and commit violent crimes against others. During floor debate on the bill, Chairman CONYERS reiterated the fact that the bill would not legalize any one of a plethora of sexual acts or activity, most of which are already illegal in most states.

Again this bill in no way, shape or fashion restricts free speech. Indeed, it clearly states, and has been supported by a Republican-dominated, conservative Supreme Court, that it in fact protects the First Amendment. Language is protected under this bill. Actions are criminalized. Preaching against homosexuality, against disabled people, against women—the categories that this bill protects—is allowed as it has always been, under the protections of the First Amendment. Under this bill, it would be criminal to incite violence by willfully causing "bodily injury based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim or is a violation of the state, local, or tribal hate crime laws."

Since 1991, over 100,000 hate crimes have occurred in our nation. Hate crimes devastate the communities, counties, cities and states in which they occur. These crimes of bigotry and hatred against an identifiable minority—based on race, color, ethnic origin, gender, disability or sexual orientation—not only hurts the individual affected, but demoralizes and dehumanizes whole groups of people. As the civil rights era clearly illustrated, these crimes are committed solely to intimidate and trample upon the human rights of others.

This as the immediate effect of crushing the investment of companies in that locality, of tourists visiting that state, of individuals wanting to relocate to that region. This is measurable in real dollars and cents. The Federal Government cannot stand by to allow these heinous, horrible offenses to be committed. I did not stand for this when I was an activist fighting for human rights in the City of Detroit, Michigan; I will not stand for it as a Member of Congress with an opportunity to make a change and make a difference.

Holocaust survivor and Nobel Peace Prize winner Elie Wiesel once said that "indifference is always the friend of the enemy, for it benefits the aggressor—never his victim, whose pain is magnified when he or she is forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity, we betray our own. Indifference, then, is not only a sin, it is a punishment."

In the past decade, our country has had men murdered merely because they were gay, disabled, or African American. These were all hard-working, tax-paying, law-abiding American citizens, killed because of these differences. As we move onward through this

new millennium, as we continue to change course, confront crises, and continue the legacy, I will do so with the continued guidance and love of an infinite God, with extraordinary hope, with profound faith, and with the knowledge that in caring for the least of our brothers and sisters, we care for ourselves. We cannot afford to be indifferent.

As we celebrate two centuries of the end of the African slave trade, it is my hope that today will be the beginning of the end of the decades of mindless hatred, bigotry, and discrimination against all God's children. All Americans have an investment in a stable, violence-free government, and that is exactly what this bill provides.

Mr. RUSH. Mr. Speaker, I rise in strong support of H.R. 1592, the Hate Crimes Prevention Act. This bill lends a voice to those who have no voice.

As a nation, we have been endowed to preserve the truth that all men and women are created equal under God and as Members of Congress, we must fight to preserve this truth as long as we continue to live in a democracy.

The Hate Crimes Prevention Act does not in any way infringe on the First Amendment rights of Americans. On the contrary, the bill only covers violent criminal actions. Nothing in this legislation would prohibit any form of lawful expression of one's religious beliefs.

This legislation brings our current hate crimes laws into the 21st century by expanding the current provision to cover all violent crimes motivated by race, color, religion, or national origin when the defendant causes bodily injury, or attempts to cause bodily injury through use of fire, a firearm, or an explosive device.

Additionally, the bill will also allow the Federal Government to provide crucial Federal resources to State and local agencies to equip local officers with the tools they need to prosecute hate crimes. This resolution ensures that the Federal prosecution of hate crimes is limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

This bill will protect people like Billy Ray Johnson of Linden, TX, a mentally-challenged African-American man who suffered severe brain damage after being maliciously attacked by four white men who hurled racial expletives at him. This law would properly prosecute the individuals, ensure that justice is allowed to run its course, and is seen by Mr. Johnson's family.

In conclusion Mr. Speaker, hate in any form is neither a Democratic nor an American value and I do not subscribe to it.

We must love our neighbors and moreover we must protect them from crimes committed against them due to their self-expression.

We must be vehemently opposed to prejudice in all forms. I strongly support this legislation and encourage my colleagues to vote in favor of this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007.

In 2003 the FBI announced that there were more than 9,000 reported hate crime victims in these United States. This means that on average 25 people per day were victims of violence fueled by the toxic fumes of hate. If you are not outraged by this figure then you haven't been paying attention. As a former

prosecutor in Cuyohoga County, OH, I know that these numbers are shocking for a number of reasons.

In a country as blessed as we are, and with the resources that we have, we still have an absurdly high crime rate. Violence is taken to be the norm. Local news in most big cities begins with a report on who was shot. Then, we have a country which regularly puts out a report on the human rights records of other countries around the world. Is a hate crime not a human rights issue? It has been long established constitutional doctrine that individuals should not be treated differently based on their race, color, creed, nationality, gender or sexual orientation.

This Act allows the Justice Department to grant local jurisdictions up to \$100,000 to help prosecute hate crimes. It also provides monies for preventative programs to stem the growing tide of hate crimes committed by minors. In the Bible, verse 5:43 in the Gospel of Matthew, it says "Love thy neighbor." That is what this bill is about.

The time is now to pass this legislation. We honor our founders, ancestors, and the people who built this great Nation by ensuring that going forward, Americans from every walk of life can walk down our streets in peace.

Mr. STARK. Mr. Speaker, I rise today in strong support of hate crime prevention.

Our laws should reflect the reality that hate crimes are fundamentally different from ordinary crimes. Hate crimes cause entire communities to live in fear of being attacked simply because of who they are. Hate crimes are meant to send a message and terrorize an entire group of people, not just an individual victim.

Hate crimes are a national issue and should be dealt with at the national level. In 2005, more than 7,000 hate crimes were reported to the FBI. Even this high number is certainly lower than the actual numbers of crimes committed all across America, as many go unreported and the FBI does not receive information from all law enforcement agencies.

The Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) recognizes the need for a federal response and allocates the necessary resources to investigate and prosecute hate crimes when local officials are unable or unwilling to investigate incidents of hate crime. Local authorities, however, would maintain their autonomy and primary authority for these investigations. Federal intervention would be the last resort.

The bill also removes existing barriers that prohibit the FBI and the Department of Justice from fully assisting local law enforcement agencies in addressing hate crimes. This is vital because local governments often lack the resources necessary to properly conduct expensive hate crimes investigations and prosecutions. For example, the investigation of the Matthew Shepard murder in Wyoming cost over \$150,000 and resulted in lay-offs at the local Sheriff's department.

Congress has a moral and constitutional obligation to offer the full protection of our Nation's laws to all individuals. This vital legislation expands existing hate crime protections to those who are targeted because of their gender, disability, or sexual orientation. These groups have been frequent targets of hate crimes. According to the FBI, 14 percent of reported hate crimes are motivated by sexual-orientation bias.

I fully support this bill. But I feel compelled to also note that it fails to address the growing number of hate crimes being committed against homeless individuals. The National Coalition for the Homeless has documented 614 hate crimes against homeless individuals since 1999, including 189 deaths. Some of these crimes against society's most vulnerable have been caught on tape, giving us a glimpse into the violence and fear of violence that many homeless people experience on a daily basis. I hope that this body will work to bring the issue of hate crimes against homeless individuals to light and move toward protections that recognize the value of all of our neighbors, including those lacking shelter.

Hate crimes impact all of us and it is our collective responsibility to actively confront the terror they cause. I urge all of my colleagues to support this important bill.

Mr. CASTLE. Mr. Speaker, today I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1592, which will provide needed assistance to State and local law enforcement agencies and make changes to Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes against people for no other reason than their perceived or actual race, religion, national origin, sexual orientation, gender, gender identity, or disability.

Hate crimes are alarmingly prevalent and threaten the full participation of all Americans in our democratic society. While State and local governments will maintain principal responsibility, an expanded Federal role in investigating and prosecuting serious forms of hate crimes is critical in targeting and preventing hate crime in our Nation. The measure importantly applies only to bias-motivated violent crimes and does not impinge free speech in any way. In fact, it explicitly states: "Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution."

H.R. 1592 is supported by virtually every major law enforcement organization in the country. I urge my colleagues to join me in supporting H.R. 1592.

Mr. JORDAN of Ohio. Mr. Speaker, I appreciate the opportunity to express my opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

This measure represents an unprecedented departure from the deeply rooted American principle of equal justice under law.

Justice should be blind. It should be equal for all Americans, and it should be rendered in a criminal justice system that does not take such issues as race, gender, and religion into consideration.

It makes no sense to me that crimes committed against one citizen should be punished any more or any less than crimes committed against another, which is what this bill will do.

Violent crimes that are not aimed at a certain class of people, like those committed recently at Virginia Tech, are just as reprehensible as those that are committed for other reasons.

Yet this bill would likely treat the senseless, random violence at Virginia Tech less harshly than other, less "random" crimes.

Even worse, the bill asks local law enforcement to infer if a crime was committed "because of" bias toward a protected group. This

essentially means that one's "thoughts" or "feelings" might be evidence of hate, and can be considered when determining whether a crime was indeed a "hate" crime.

Let me say that again. The bill would ask law enforcement to consider one's potential "thoughts" as evidence of "hate."

Mr. Speaker, this is the dangerous, likely unconstitutional threat that has caused great concern to so many residents of Ohio's 4th Congressional District.

Upon consideration of this bill in the Judiciary Committee, Mr. Speaker, I sent you a letter, co-signed by many of my Republican colleagues on the committee. The letter expressed concern about H.R. 1592's "thought crime" provisions and their potential to categorize individuals who share spiritual or gospel messages as hate criminals.

In the letter, we noted that the San Francisco Board of Supervisors passed Resolution 060356, which castigated Cardinal William Levada and the Catholic Church for opposing the adoption of children by homosexuals. The resolution, perhaps prophetically, describes the Church's policy using such words as "hateful," "discriminatory," "insulting," and "callous."

It is easy to see how this type of inflammatory anti-religious assertion emanating from a governmental body is disconcerting to those who espouse deep religious beliefs.

This so-called hate crimes bill not only discards the fundamental American legal principle of equal justice, it also lays the groundwork to criminalize individuals and groups that might not share the liberal values of places like San Francisco.

It is rather ironic that on this, the National Day of Prayer—a day where Americans gather to celebrate our religious heritage—liberal members of this House are uniting to pass a bill that could deem their prayerful voices as "hateful."

I urge a "no" vote on this bill.

Ms. HIRONO. Mr. Speaker, I rise today in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. I would like to thank the chief sponsor of this legislation, Congressman CONYERS, for his work and dedication in bringing this bipartisan bill to the floor for debate.

H.R. 1592 will strengthen existing Federal hate crimes laws in two meaningful ways. First, the bill removes the requirement that victims of violent bias-motivated crimes be engaged in a federally protected activity, such as voting, when the crime is committed. Federal entities would then be able to provide technical and grant support for the hate crimes investigations of State and local law enforcement agencies. Second, the bill provides for a more comprehensive definition of hate crimes to include those motivated by gender, disability, sexual orientation, or gender identity.

In 2005, the FBI documented 7,163 hate crimes directed against institutions and individuals because of their race, religion, sexual orientation, national origin, or disability. These statistics were gathered from 12,417 law enforcement agencies across the country. Yet it is not the frequency or number of crimes alone that distinguish these acts of violence from other crimes.

We know that hate crimes are more than individual assaults—they send shock waves and fear throughout a whole community and segments of our diverse population. Hate violence

is also a message crime and the messages are clear: "know your place" and "your kind is not welcome here." Hate crimes clearly pose a serious threat to our Nation's security and the very values upon which our country were founded.

As an original cosponsor of H.R. 1592, I urge my colleagues to vote in support of final passage.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Violent crimes committed against anyone because of their race, religion, national origin, gender, sexual orientation, gender identity, or disability should not be taken lightly. H.R. 1592 would make this kind of violent crime a Federal offense and authorizes Federal grants to assist state and local law enforcement agencies in prosecuting violent hate crimes.

I believe that it is necessary for the Federal Government to secure the lives of all people and bring justice to individuals who have been victims of a violent hate crime. By allowing the Federal Government jurisdiction in certain, limited cases of violent hate crime, this bill provides much-needed support to local law enforcement agencies. This piece of legislation is particularly important at a time when the number of hate groups has grown over the past years. The Southern Poverty Law Center reported that the number of hate groups has seen a 40 percent increase since 2000 and attributed much of this growth to the immigration issue.

Hate crimes that are motivated by bigotry and bias against minority populations affect entire families and communities. We must stand to protect our communities from hateful actions. I urge my colleagues to vote in support of H.R. 1592.

Mr. GINGREY. Mr. Speaker, while I was unavoidably absent from the floor today to attend the funeral of a close personal friend and great Georgian, C.W. Matthews, I want to express my strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Had I been present during the actual vote, I would have voted "no" to H.R. 1592 because I believe all crimes should be prosecuted equally without special rights based on gender, race, ethnicity, or sexual orientation. All criminal acts are committed with the intention of harming or depriving another individual, and trying to elevate crimes against certain individuals would be an arbitrary way to punish. I absolutely believe that those who commit crimes against anyone should be punished to the fullest extent of the law. Furthermore, I would have voted "yes" in strong support of the motion to recommit which would have amended the legislation to protect seniors and veterans.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act and to oppose attempts to weaken the bill by removing certain groups from its protection.

Mr. Speaker, no one knows better than a member of the African-American community in this country that hate crimes exist and have been an ugly part of this country's history. And we also know that in the face of all of the apologies offered and passed for slavery and lynching, if we cannot pass this bill today they are but empty words on a piece of worthless paper.

It is time for us to demand through this vote that this country draw the line with a zero-tolerance policy for crimes based on any characteristic of the victim.

This critically needed legislation will provide local police and sheriff's departments with vital Federal resources to address hate crimes; which are crimes against either persons or property where the offender intentionally selects the victim because of their actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

I fail to understand why anyone, including members of the clergy would oppose this legislation. This form of hate for one human being to another should be repugnant to all of us and not be tolerated.

While current Federal law covers hate crimes it is very narrow in scope and does not reach many cases where individuals motivated by hate kill or injure others. H.R. 1592, would strengthen the Federal response to hate crimes by giving the U.S. Justice Department power to investigate and prosecute violence motivated by the victims race color, religion national origin gender or sexual orientation, gender identity of disability.

Sadly, the need for H.R., 1592 is underscored because this problem of violence based on hate for a person of another race, ethnicity, gender or persuasion is getting worse not better. Since 1991, the FBI has received reports of more than 113,000 hate crimes. For the year 2005 (for which the most current data are available), the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents.

It is time that this Congress send a message to the American people that we will not tolerate hate crimes, that they must strengthen the Federal response and prosecution of those who perpetrate them, that we uphold the principles of equality and justice for all upon which this country was founded and that we intend to practice what many of us preach; which is brotherly love.

I urge my colleagues to support H.R. 1592.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

Simply put, the current patchwork of State laws alone does not fully protect the rights of all Americans from violence based upon actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. I am frankly astounded that current Federal laws are not more inclusive.

It is unconscionable that we are only now voting on this legislation today. Almost 150 years after our country enshrined the freedom from violence based upon race, with the 13th, 14th and 15th Amendments to the United States Constitution, we still have not extended those same protections to all of our citizens. Today, this body has the chance and indeed the responsibility to rectify this injustice.

Hate knows no borders, so even though 38 states already provide some of the protections that would be extended by Federal law if H.R. 1592 is enacted, only a Federal law can ensure equal protection under the law for all Americans.

Remarkably, this legislation faces opposition. Those opponents have claimed that H.R. 1592 is somehow an attack on free speech or a person's religious beliefs. H.R. 1592 does not criminalize freedom of speech or religious

expression, but it does criminalize violence against a person based upon their perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. In fact, a long and diverse list of religious organizations have spoken out in favor of H.R. 1592, including groups representing Catholic, Protestant, Jewish, Buddhist, Muslim and Sikh faiths.

No longer will this body be silent for the millions of Americans that too often have no voice in the world.

I urge my colleagues to vote in favor of this legislation.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to show my support for H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007.

Freedoms of speech, expression, and equal protection under the law are the founding principles of this country. The Constitution guarantees these rights to all Americans. I believe that it is our duty to fight for the equal rights of all Americans, regardless of their race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

I abhor all violent crimes. Attacks that are motivated by hate are attacks on a whole class of people. Such hate crimes are intended to instill fear in an entire community and are particularly heinous. We must give law enforcement the proper tools to investigate and prosecute crimes that are motivated by hate.

Laws punishing hate crimes are not intended to value one group over another, but rather to acknowledge the historical bias against certain minority groups and opinions so that all can enjoy the same legal protections as the majority. Hate crime laws protect innocent people and allow them to engage in everyday activity without fear.

I am proud to be an original co-sponsor of this important legislation. This bill helps to better define a hate crime and prevents the erosion of civil liberties critical to our democracy.

Mr. ENGEL. Mr. Speaker, I rise today to support the Hate Crimes Prevention Act. Our country values diversity, values individuality, values different cultures and respects people for who they are. Hate crimes are simply un-American.

In 2005, there were over 7,000 Federal hate crimes committed in this country, but the current law does not cover most true hate crimes.

Late last year in New York, three men lured Michael J. Sandy to a parking lot, beat him and chased him into traffic where he was struck by a car. He died 5 days later, one day after his 29th birthday. Why did these attackers target Michael J. Sandy? Because he was gay.

Today, Mr. Sandy's attackers can not be prosecuted under Federal law for two reasons. First, in order to be a Federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act will sensibly expand the definition of a Federal hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability when the defendant causes bodily injury or attempts to cause bodily injury through the use of a firearm or an explosive device.

Thankfully, New York law has allowed this case to be prosecuted as a hate crime, but it

is time to update our Federal laws to protect our citizens.

The bill will also give local law enforcement the help they need in solving and prosecuting these despicable crimes. Some of these cases can strain local resources, but under this legislation, law enforcement can reach out and secure Federal resources to pursue these complex cases.

Because the bill makes common sense reforms, the bill has enjoyed wide bipartisan support. In fact, the bill is supported by 31 State Attorneys General and over 280 national law enforcement, professional, education, civil rights, religious, and civic organizations.

I urge my colleagues to join me in supporting this critical legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act, which would address the appalling crimes that continue to occur today simply because of a person's race, religion, national origin, ethnicity, gender, disability or sexual orientation.

I am proud to be an original cosponsor of H.R. 1592 because it is the government's responsibility to defend the civil liberties of every American and prosecute acts of aggression directed at a specific group of individuals. Current federal law provides for enhanced sentencing for hate crimes, however, the vast majority of these crimes are not tried in federal court. This bill would make it a federal crime to cause, or attempt to cause, bodily harm to another person through the use of fire, a firearm, or an explosive device because of the victim's actual or perceived race, color, religion, national origin, gender or sexual orientation. Opponents of this bill claim that it would chip away at First Amendment rights. On the contrary, H.R. 1592 would protect First Amendment speech and is only intended to prosecute acts of violence.

The bill would also provide federal assistance to states and local jurisdictions to prosecute hate crimes. Specifically, the measure would authorize the Attorney General to make grants available to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes. Currently, the Federal Bureau of Investigation (FBI) collects statistics on crimes based on race, religion, sexual orientation, ethnicity, and disability. This legislation would require that the FBI collect statistics on gender and gender identity-related bias crimes.

I applaud Chairman CONYERS and members of the House Judiciary Committee for their tireless efforts and leadership on this landmark legislation. I would also like to single out the efforts of the gentlewoman from Wisconsin, Ms. BALDWIN, and the gentleman from Massachusetts, Mr. FRANK, for their leadership on this issue. During my tenure in the House of Representatives and as a father of three children, I have been a consistent supporter of this measure and believe it is a tragedy that terrible injustices continue to occur in the 21st century. Our nation was founded on the principles of liberty and justice for all and these hate crimes run counter to our national conscience.

I believe Robert F. Kennedy spoke most eloquently on this issue while commenting on the loss of Dr. Martin Luther King: "What we need in the United States is not division; what

we need in the United States is not hatred; what we need in the United States is not violence or lawlessness; but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country \* \* \*." Today's legislation takes us one further step towards the kind of nation Senator Kennedy and Dr. King worked for and I encourage my colleagues to join me in voting for it.

Mr. TERRY. Mr. Speaker, I rise today in opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. Let me say from the outset: I am strongly opposed to violent crimes committed against an individual, regardless of the motivation of the person committing it. That is why I support strong state and local prosecution measures to curb violent crime and increase safety in our communities. In fact, I am a principal supporter in Congress for increasing Federal funding for state and local law enforcement officers to curb gang and drug crimes, which often leads to violent crimes.

I have also spent considerable time in my district meeting with groups who have experienced discrimination or have been targets of violent behavior simply due to their race, religion or sexual orientation. The concerns they have raised with me have weighed heavily on my mind, and have caused me to reconsider my views on our Constitution's Tenth Amendment.

In the past, I have not supported Federal hate crimes legislation since it has traditionally been the responsibility of state and local prosecutors rather than the Federal Government. States have the right to apprehend and prosecute criminals under their own criminal codes, which must be respected. They also have the right to enhance penalties as they see fit, and many states have taken that step. My own state of Nebraska enacted comprehensive hate crimes legislation in 1997.

The Nebraska legislation authorizes judges to impose harsher penalties in criminal cases when a determination is made that the crime was committed due to the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with persons who fit the specified classifications. The enhanced penalties for hate crimes provided for in the statute would be the next highest penalty classification above the one statutorily imposed for the crime, with the death penalty as the only exception. A broad variety of criminal charges could be enhanced, including manslaughter, assault, terroristic threats, stalking, kidnapping, false imprisonment, sexual assault of an adult or child, arson, criminal mischief, and criminal trespass. Our state statutes also provide victims with the authority to bring civil actions against attackers.

The actions taken by Nebraska and so many other states are appropriate because the states have the ability to expand their criminal codes as each sees fit. At the same time, there is no Federal nexus and thus no need for duplicative Federal legislation.

The Tenth Amendment is clear: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." At some point, we have to stop federalizing every problem in the country, no matter how large or small. When the states are addressing a problem effectively, there is

no need for the Federal Government to add an extra layer of bureaucracy. Crime and punishment, with few exceptions, are in the purview of state legislative authority. I am unwilling to interfere with that constitutional balance, no matter how worthy the underlying subject matter might be. For these reasons, I must oppose H.R. 1592.

Mr. UDALL of Colorado. Mr. Speaker, in my view an act of violence against one person is an act of violence against all of us. Our actions toward each other should—and our policies as a nation must—be based on compassion and understanding of human experiences if we are to truly have a nation of liberty and justice for all.

In other words, I think in our country all of us, regardless of our race, ethnicity, religion, or sexual orientation, should be able to live our lives free from violence, intimidation, and discrimination.

That is why I believe Congress must pass legislation to make it more likely that people who are guilty of violent crimes based on bias are properly prosecuted, convicted, and punished.

The result will not be to end hate—nor to make hate a crime—but to establish that our government will not tolerate hate and bigotry that manifests itself in violence against anyone.

Because I support that result, since first coming to Congress I have cosponsored and voted for legislation similar to the measure now before us.

And that is why I will vote for this bill today.

The bill will amend the Federal criminal code to prohibit willfully causing bodily injury to any person because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of that person.

It also will authorize the Department of Justice to provide technical, forensic, prosecutorial, or other assistance to help local law enforcement agencies investigate and prosecute acts that are both crimes of violence under Federal law or a felony under State, local, or Indian tribal law; and also are motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. And to further assist State, local, and tribal officials with the expenses related to hate crime cases, the bill would authorize the Attorney General to establish a grant program to be administered by the Office of Justice Programs that would have a particular focus on combating hate crime committed by juvenile offenders.

The bill also will broaden Federal coverage of hate crimes under two scenarios. First, under any circumstance, it will prohibit willfully inflicting bodily injury to any person, attempted or otherwise, through the use of fire, a firearm, explosive, or incendiary device, if such conduct were motivated on the basis of actual or perceived race, color, religion, or national origin of any person. Second, it will prohibit the same conduct, if such conduct were motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability, in addition to the four bases covered by the first scenario, in circumstances involving specific jurisdictional ties to the Constitution's interstate commerce clause.

Under either scenario, offenders could be sentenced to 10 years' imprisonment and a

fine, or for any term to life imprisonment if the crime resulted in the victim's death, or involved murder, kidnapping, attempted kidnapping, rape, or attempted rape.

The bill addresses two deficiencies in current law that limit the Federal Government's ability to work with State and local law enforcement agencies and have led to acquittals in some cases in which Federal jurisdiction has been asserted to backstop local efforts.

One is the fact that current Federal law provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity, or disability. The other is that current law requires proof that the crime was committed with the intent to interfere with the victim's participation in one of six specifically defined federally protected activities. The bill addresses both those limitations and provides the Justice Department tools to effectively act against bias-motivated violence by assisting States and local law enforcement agencies and by pursuing Federal charges where appropriate. This is the same approach Congress took in the Church Arson Prevention Act of 1996.

It is important to note that even after enactment of this bill, State and local authorities will deal with the overwhelming majority of hate crimes—and the bill is drafted to ensure that the Federal prosecution of hate crimes will be limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

The bill is not intended to federalize all rapes, sexual assaults, acts of domestic violence, or other gender-based crimes.

In fact, for a hate crime case to be prosecuted federally, the Attorney General, or a high-ranking subordinate, would have to certify that pertinent state or local officials (1) were unable or unwilling to prosecute; (2) favored Federal prosecution; or (3) prosecuted, but the investigation or trial's results did not satisfy the Federal interest to combat hate crimes.

This certification requirement is intended to ensure that the Federal Government will assert the new hate crimes jurisdiction in a principled and properly limited fashion, consistent with procedures under the current Federal hate crimes statute.

It should also be noted that the bill respects and protects First Amendment rights. It will not bar or punish name-calling, verbal abuse or expressions of hatred toward any person or group—it deals only with violent criminal actions—and includes a provision explicitly stating that conduct protected under the speech and religious freedom clauses of the First Amendment is not subject to prosecution. In short, the bill does not criminalize speech or advocacy, and its enactment will not jeopardize anyone's right to associate, to denounce, to hold fast to a religious belief, or to do anything else protected by the Constitution's First Amendment.

Mr. Speaker, crimes motivated by bias are not as rare as many of us would like to think. Since 1991 the FBI has received reports of more than 113,000 hate crimes. In 2005, the latest year for which data are available, the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents, with more than half being racially-motivated and others reflecting religious bias (17.1 percent), sexual orientation (14.2 percent) and ethnicity/national origin bias (13.7 percent). And, unfortunately, Colorado is

not immune—in 2005 our state reported 59 crimes based on racial bias, 22 reflecting religious prejudice, 16 related to sexual orientation, 27 involving ethnic bias, and 1 involving a person's disability, and there have been more since then.

These sobering statistics demonstrate that the legislation before us is appropriate and necessary—especially because it is generally understood that hate crimes are often not reported as such.

Accordingly, I support the bill and urge its passage.

Mr. HONDA. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

As Chair of the Congressional Asian Pacific American Caucus, I know that Asian Americans and Pacific Islanders have faced a long history of hate crimes, from the 1880 lynching of Chinese in Denver's Chinatown, to the brutal killing of Vincent Chin in 1982, to post-September 11 violence against Arabs, Sikhs, and Muslims, including the murder of Balbir Singh Sodhi, and more recently, the killing of Cha Vang, a Hmong individual, in Wisconsin just this year.

Hate crimes are under-reported and under-prosecuted. The Local Law Enforcement Hate Crimes Prevention Act provides the resources necessary for all levels of government to investigate and prosecute hate crimes based on race, color, religion, national origin, gender, gender identity, sexual orientation, and disability.

Hate crimes are unique in that they are motivated by hostility toward an entire community, and are oftentimes rooted in a wider public sentiment of discrimination, xenophobia, and intolerance. The passage of this Act is a step in the right direction in promoting tolerance in our integrated society.

The SPEAKER pro tempore (Mr. SNYDER). All time for debate has expired.

Pursuant to House Resolution 364, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. Mr. Speaker, I do oppose it, in the current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1592 to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

Page 12, line 5, after "orientation," insert "status as a senior citizen who has attained the age of 65 years, status as a current or former member of the Armed Forces,".

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit

be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, this motion to recommit is straightforward. It seeks to protect America's senior citizens and those who serve in our Armed Forces.

My colleagues on the other side contend that a new law is needed to cover crimes against persons based on race, gender, national origin, sexual orientation, gender identity and disability. The motion to recommit makes sure that seniors and our military personnel are added to the list of protected groups.

We all care greatly about the safety and security of our senior citizens. We all understand that they are particularly vulnerable to crime. Criminals who prey on our senior citizens because they are senior citizens should be vigorously prosecuted and punished.

The statistics paint a disturbing picture of violence against senior citizens in our country. A recent Justice Department study found that each year over the last 10 years, for every 1,000 persons over 65, four are violently assaulted. This includes rape, sexual assault, robbery and aggravated assaults. Approximately 65 percent of these crimes against senior citizens are committed by strangers or casual acquaintances. In my hometown, the San Antonio police report rising crime against the elderly, with over 6,200 crimes just this last year.

We were all horrified by the recent videotaped robbery in New York City committed against 101-year-old Rose Morat. Rose was leaving her building to go to church when a robber, who pretended to help her through the vestibule, turned and delivered three hard punches to her face and grabbed her purse. He pushed her and her walker to the ground. Rose suffered a broken cheekbone and was hospitalized. The robber got away with \$33 and her house keys. Police believe the same man robbed an 85-year-old woman shortly after beating Rose.

These are horrible crimes that strike fear into the hearts of America's senior citizens and make them wonder whether they will be victimized next.

This motion to recommit also adds the category of current or former members of the Armed Forces to the list of groups in this bill. We honor our men and women of the military because of their patriotism, their commitment to protecting our freedom and their service to our country. In times of controversy surrounding the use of our military, we have seen unfortunate acts by those who use their hostility towards the military to further their political agenda.

With the rising debate over the Iraq war, we are seeing increasing threats to Iraqi war veterans. Recently, a Syracuse woman pleaded guilty to spitting in the face of a Fort Drum soldier at an airport.

Mr. Speaker, Congress needs to make it clear to everyone that we honor our veterans and current members of our Armed Forces. Congress can make the message clear that hate of our Armed Forces will be punished at a heightened level, just like the other groups under this act.

If Congress rejects this motion to recommit, who will explain to the thousands of victims who are senior citizens or military victims that their injuries are less important than those of others protected under the hate crimes law? Are we really prepared to tell seniors and our men and women in uniform across our country that crimes committed against victims because of race, gender, national origin, sexual orientation, gender identity or disability are, as a rule, more worthy of punishment than those committed against seniors and military personnel?

Mr. Speaker, I urge Members to support this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I would ask the distinguished gentleman from Texas, Mr. SMITH, would he yield for a unanimous consent request that the bill be amended as follows: Page 12, line 5 after "orientation" insert "status as a senior citizen who has attained the age of 65 years; status as a current or former member of the armed services."

Would the gentleman yield for a unanimous consent request on that?

Mr. SMITH of Texas. Mr. Speaker, I respectfully object.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. CONYERS. Mr. Speaker, would the gentleman from Texas, Mr. SMITH, the proponent of the motion to recommit, yield for a unanimous consent request that the motion be amended by striking the word "promptly" and inserting the word "forthwith?"

Mr. SMITH of Texas. Mr. Speaker, I also object to that request.

The SPEAKER pro tempore. The gentleman from Texas does not yield for that purpose.

#### PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, I notice that the motion being offered by the gentleman provides the bill be reported back to the House "promptly" rather than reported back "forthwith."

Is it true, as I believe to be the case, that the effect of the word "promptly" is that the House is not being asked to amend this bill, but to send it off the Floor and back to the Judiciary Committee?

The SPEAKER pro tempore. The adoption of a motion to recommit with

instructions to report back "promptly" sends the back bill back to committee, whose eventual report, if any, would not be immediately before the House.

Does the gentleman from Michigan seek time in opposition to the motion to recommit?

Mr. CONYERS. Mr. Speaker, I do.

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. CONYERS. Mr. Speaker, I am not inclined to at this time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes in opposition to the motion to recommit.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the motion to recommit, which would not operate as a simple amendment, but, listen to me, would instead send the bill back to the Committee on the Judiciary, in essence killing the bill for the remainder of the Congress.

The categories of individuals included in the amendment, seniors and members of the armed services, are entitled to protection under the law, and in point of fact they have protection under the law at both Federal and State levels. I note that it is already a Federal crime to kill or attempt to kill any member of the armed services under 18 U.S.C. 1114.

We also have programs in the law to provide assistance to prosecutors and law enforcement in the enforcement of crimes against elders, as well as a variety of senior services that will help them in their homes, safety and elder care.

The purpose of the bill is to protect classes of individuals who have been and are the group-wide victims of systemic violence: hanging a man because of his race, dragging someone to death because they are disabled. These are crimes that are designed to target and intimidate entire groups of individuals, and we all know it. That is why they are labeled hate crimes and why this legislation is before us.

As much as any Member here, I believe we can and should do more to protect other members of society. That is why our Committee on the Judiciary approved a COPS bill yesterday, reauthorizing a program to provide for 100,000 local police on the beat and other safety officials. That is why I have in the past pushed for an Elder Justice Act.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. I thank the distinguished chairman.

This motion, my colleagues, reeks with the stench of cynicism. Let me tell you why. The distinguished chairman rose and asked for unanimous consent to add the protections to members of our Armed Forces who are either serving or have served, and he then asked to protect our senior citizens. He



asked for unanimous consent to do that, and the gentleman from Texas objected, so it was not added.

Then the chairman rose and asked that we substitute “forthwith” for “promptly” so their amendment could be immediately adopted, and the gentleman from Texas objected.

How cynical can you be to offer an amendment, I tell my friend, which in its own framework will kill the very proposition you are making? For if this amendment prevails, what will happen is, the bill will be killed and the protection of the Armed Forces that he seeks, the protection of the seniors that he seeks, will be killed.

My friends on this side of the aisle, this is a political game. The American public knows it is a political game. Let's reject this cynical political game and pass this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

#### PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Isn't it true, Mr. Speaker, that under the motion to recommit there is nothing that precludes the Judiciary Committee from dealing with the bill when it goes back to the committee and sending it back to the floor of the House?

The SPEAKER pro tempore. The adoption of a motion to recommit with instructions to report back “promptly” sends the bill back to committee, whose eventual report, if any, would not be immediately before the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 189, nays 227, not voting 17, as follows:

[Roll No. 298]

#### YEAS—189

Aderholt	Blunt	Cannon
Akin	Boehner	Cantor
Alexander	Bonner	Capito
Altmire	Boozman	Carter
Bachmann	Boustany	Chabot
Bachus	Brady (TX)	Coble
Baker	Brown (SC)	Cole (OK)
Barrett (SC)	Brown-Waite,	Conaway
Barrow	Ginny	Crenshaw
Bartlett (MD)	Buchanan	Culberson
Barton (TX)	Burgess	Davis (KY)
Biggert	Burton (IN)	Davis, David
Bilbray	Buyer	Davis, Tom
Bilirakis	Calvert	Deal (GA)
Bishop (UT)	Camp (MI)	Dent
Blackburn	Campbell (CA)	Diaz-Balart, L.

Diaz-Balart, M.	King (NY)	Putnam
Doolittle	Kingston	Regula
Drake	Kline (MN)	Rehberg
Dreier	Knollenberg	Reichert
Duncan	Kuhl (NY)	Renzi
Ehlers	LaHood	Rogers (AL)
Emerson	Lamborn	Rogers (KY)
English (PA)	Latham	Rogers (MI)
Everett	LaTourette	Rohrabacher
Fallin	Lewis (CA)	Roskam
Feeney	Lewis (KY)	Royce
Ferguson	Linder	Ryan (WI)
Flake	LoBiondo	Sali
Forbes	Lucas	Saxton
Fortenberry	Lungren, Daniel	Schmidt
Fossella	E.	Sensenbrenner
Fox	Mack	Sessions
Franks (AZ)	Mahoney (FL)	Shadegg
Frelinghuysen	Manzullo	Shimkus
Galleghy	Marchant	Shuster
Garrett (NJ)	Marshall	Simpson
Gerlach	McCarthy (CA)	Smith (NE)
Gilchrest	McCaul (TX)	Smith (NJ)
Gillmor	McCotter	Smith (TX)
Gohmert	McCrery	Souder
Goode	McHenry	Stearns
Goodlatte	McHugh	Sullivan
Granger	McKeon	Taylor
Hall (TX)	Melancon	Terry
Hastings (WA)	Mica	Thornberry
Hayes	Miller (FL)	Tiahrt
Heller	Miller (MI)	Tiberi
Hensarling	Miller, Gary	Turner
Herger	Mitchell	Walberg
Hill	Moran (KS)	Walden (OR)
Hobson	Murphy, Tim	Walsh (NY)
Hoekstra	Musgrave	Wamp
Holden	Myrick	Weldon (FL)
Hulshof	Neugebauer	Weller
Inglis (SC)	Nunes	Westmoreland
Issa	Pearce	Whitfield
Jindal	Pence	Wicker
Johnson (IL)	Peterson (PA)	Wilson (NM)
Johnson, Sam	Petri	Wilson (SC)
Jones (NC)	Pickering	Wolf
Jordan	Pitts	Young (AK)
Keller	Poe	Young (FL)
King (IA)	Porter	

#### NAYS—227

Abercrombie	Davis (AL)	Jefferson
Ackerman	Davis (CA)	Johnson (GA)
Allen	Davis (IL)	Jones (OH)
Andrews	Davis, Lincoln	Kagen
Arcuri	DeFazio	Kanjorski
Baca	DeGette	Kaptur
Baird	Delahunt	Kennedy
Baldwin	DeLauro	Kildee
Bean	Dicks	Kilpatrick
Becerra	Dingell	Kind
Berkley	Doggett	Kirk
Berman	Donnelly	Klein (FL)
Berry	Doyle	Kucinich
Bishop (GA)	Edwards	Langevin
Bishop (NY)	Ellison	Lantos
Blumenauer	Ellsworth	Larsen (WA)
Bono	Emanuel	Larson (CT)
Boren	Eshoo	Lee
Boswell	Etheridge	Levin
Boucher	Farr	Lewis (GA)
Boyd (FL)	Filner	Lipinski
Boyda (KS)	Frank (MA)	Loeb
Brady (PA)	Giffords	Loeb
Braley (IA)	Gillibrand	Lofgren, Zoe
Brown, Corrine	Gonzalez	Lowey
Butterfield	Gordon	Lynch
Capps	Green, Al	Maloney (NY)
Capuano	Green, Gene	Markey
Cardoza	Grijalva	Matheson
Carnahan	Gutierrez	Matsui
Carney	Hall (NY)	McCarthy (NY)
Carson	Hare	McCollum (MN)
Castle	Harman	McDermott
Castor	Hastings (FL)	McGovern
Chandler	Herseth Sandlin	McNulty
Clarke	Higgins	McNulty
Clay	Hinche	Meehan
Cleaver	Hinojosa	Meek (FL)
Clyburn	Hirono	Meeks (NY)
Cohen	Hodes	Michaud
Conyers	Holt	Miller (NC)
Cooper	Honda	Miller, George
Costa	Hooley	Mollohan
Costello	Hoyer	Moore (KS)
Courtney	Inslee	Moore (WI)
Cramer	Israel	Moran (VA)
Crowley	Jackson (IL)	Murphy (CT)
Cuellar	Jackson-Lee	Murphy, Patrick
Cummings	(TX)	Murtha
		Nadler

Napolitano	Rush	Sutton
Neal (MA)	Ryan (OH)	Tauscher
Oberstar	Salazar	Thompson (CA)
Obey	Sánchez, Linda	Thompson (MS)
Olver	T.	Tierney
Pallone	Sanchez, Loretta	Towns
Pascarella	Sarbanes	Udall (CO)
Pastor	Schakowsky	Udall (NM)
Payne	Schiff	Upton
Pelosi	Schwartz	Van Hollen
Perlmutter	Scott (GA)	Velázquez
Peterson (MN)	Scott (VA)	Visclosky
Platts	Serrano	Walz (MN)
Pomeroy	Sestak	Wasserman
Price (GA)	Shays	Schultz
Price (NC)	Shea-Porter	Waters
Pryce (OH)	Sherman	Watson
Rahall	Shuler	Watt
Ramstad	Sires	Waxman
Rangel	Skelton	Weiner
Reyes	Slaughter	Welch (VT)
Reynolds	Smith (WA)	Wexler
Rodriguez	Snyder	Wilson (OH)
Ros-Lehtinen	Solis	Woolsey
Ross	Space	Wu
Rothman	Spratt	Wynn
Roybal-Allard	Stark	Yarmuth
Ruppersberger	Stupak	

#### NOT VOTING—17

Cubin	Hunter	Paul
Davis, Jo Ann	Johnson, E. B.	Radanovich
Engel	Lampson	Tancred
Fattah	McIntyre	Tanner
Gingrey	McMorris	
Graves	Rodgers	
Hastert	Ortiz	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 1338

Messrs. HOBSON, GARRETT of New Jersey and BUYER changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 16, as follows:

[Roll No. 299]

#### YEAS—237

Abercrombie	Braley (IA)	Davis (AL)
Ackerman	Brown, Corrine	Davis (CA)
Allen	Butterfield	Davis (IL)
Altmire	Capps	DeFazio
Andrews	Capuano	DeGette
Arcuri	Cardoza	Delahunt
Baca	Carnahan	DeLauro
Baird	Carson	Dent
Baldwin	Castle	Diaz-Balart, L.
Barrow	Castor	Diaz-Balart, M.
Bean	Chandler	Dicks
Becerra	Clarke	Dingell
Berkley	Clay	Doggett
Berman	Cleaver	Doyle
Biggert	Clyburn	Edwards
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Conyers	Emanuel
Blumenauer	Cooper	English (PA)
Bono	Costa	Eshoo
Boswell	Costello	Etheridge
Boucher	Courtney	Farr
Boyd (FL)	Crowley	Ferguson
Boyda (KS)	Cuellar	Filner
Brady (PA)	Cummings	Frank (MA)

Frelinghuysen Lofgren, Zoe  
Gerlach Lowey  
Giffords Lynch  
Gilchrest Mahoney (FL)  
Gillibrand Maloney (NY)  
Gonzalez Markey  
Green, Al Marshall  
Green, Gene Matheson  
Grijalva Matsui  
Gutierrez McCarthy (NY)  
Hall (NY) McCollum (MN)  
Hare McCreery  
Harman McDermott  
Hastings (FL) McGovern  
Herseht Sandlin McNerney  
Higgins McNulty  
Hill Meehan  
Hinchey Meek (FL)  
Hinojosa Meeks (NY)  
Hirono Michaud  
Hodes Miller (NC)  
Holden Miller, George  
Holt Mitchell  
Honda Mollohan  
Hooley Moore (KS)  
Hoyer Moore (WI)  
Inlee Moran (VA)  
Israel Murphy (CT)  
Jackson (IL) Murphy, Patrick  
Jackson-Lee Murtha  
(TX) Nadler  
Jefferson Napolitano  
Johnson (GA) Neal (MA)  
Jones (OH) Oberstar  
Kagen Obey  
Kanjorski Oliver  
Kaptur Pallone  
Kennedy Pascarell  
Kildee Pastor  
Kilpatrick Payne  
Kind Pelosi  
Kirk Perlmutter  
Klein (FL) Platts  
Kucinich Pomeroy  
Kuhl (NY) Porter  
LaHood Price (NC)  
Langevin Pryce (OH)  
Lantos Rahall  
Larsen (WA) Rangel  
Larson (CT) Reichert  
Lee Reyes  
Levin Rodriguez  
Lewis (GA) Ros-Lehtinen  
Lipinski Rothman  
LoBiondo Roybal-Allard  
Loeb sack Rumpersberger

## NAYS—180

Aderholt Crenshaw  
Akin Culberson  
Alexander Davis (KY)  
Bachmann Davis, David  
Bachus Davis, Lincoln  
Baker Davis, Tom  
Barrett (SC) Deal (GA)  
Bartlett (MD) Donnelly  
Barton (TX) Doolittle  
Berry Drake  
Bilbray Dreier  
Billakis Duncan  
Bishop (UT) Ehlers  
Blackburn Ellsworth  
Blunt Emerson  
Boehner Everett  
Bonner Fallin  
Boozman Feeney  
Boren Flake  
Boustany Forbes  
Brady (TX) Fortenberry  
Brown (SC) Fossella  
Brown-Waite, Foxx  
Ginny Franks (AZ)  
Buchanan Gallegly  
Burgess Garrett (NJ)  
Burton (IN) Gillmor  
Buyer Gohmert  
Calvert Goode  
Camp (MI) Goodlatte  
Campbell (CA) Gordon  
Cannon Granger  
Cantor Hall (TX)  
Capito Hastings (WA)  
Carney Hayes  
Carter Heller  
Chabot Hensarling  
Coble Herger  
Cole (OK) Hobson  
Conaway Hoekstra  
Cramer Hulshof

Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Saxton  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Sires  
Skeltton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Moran (VA)  
Stark  
Stupak  
Sutton  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

Neugebauer  
Nunes  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Poe  
Price (GA)  
Putnam  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)

Cubin  
Davis, Jo Ann  
Engel  
Fattah  
Gingrey  
Graves

## NOT VOTING—16

Hastert  
Hunter  
Johnson, E. B.  
Lampson  
McMorris  
Rodgers

Taylor  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walberg  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Ortiz  
Paul  
Radanovich  
Tancredo  
Tanner

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain to vote.

□ 1346

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATAH. Mr. Speaker, had I been present for the vote on H.R. 1592 I would have voted "yea."

## GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1868, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

## TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1868.

□ 1348

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Oregon (Mr. WU) and the gentleman from Michigan (Mr. EHLERS) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 1868, the Technology Innovation Manufacturing Stimulation Act of 2007. This bill authorizes programs at the National Institute of Standards and Technology, or NIST, for fiscal years 2008 through 2010, and strengthens American innovation.

For most Americans, NIST is not a household word. But since its creation more than 100 years ago, NIST has made major contributions to public safety, industrial competitiveness and economic growth. Beginning in the 1900s, when it set standards for fire hydrants that have saved countless lives, to the 1950s, when it developed the world's fastest computer, helping usher in the information age, to its groundbreaking work on the technical aspects of the collapse of the World Trade Center on 9/11, NIST has served the public interest in ways that far exceed its public fame.

Today, NIST's mission focuses on promoting innovation and industrial competitiveness by advancing measurement, science, standards and technology. This mission has never been more urgent. The recent National Academy of Sciences report coauthored by Norm Augustine, "Rising Above the Gathering Storm," warns that we face major challenges in the global marketplace and recommends that we "ensure that the United States is the premier place in the world in which to innovate."

H.R. 1868 helps implement that recommendation by putting the NIST budget on a 10-year path to doubling as an investment in the future of American innovation. The bill increases the NIST research budget, funds key areas such as biologics, health care IT and nanotechnology. It funds the construction of a high performance laboratory at the Boulder, Colorado, campus, and upgrades the Center for Neutron Research in Gaithersburg, Maryland. This enables world class engineers and their scientists to have world class facilities for their work.

H.R. 1868 also addresses problems in the American manufacturing center, which has lost almost 3 million jobs since 2001. It expands the Manufacturing Extension Partnership, or MEP, a proven and highly successful public-private partnership that provides technical assistance to small and medium-size manufacturers to improve productivity and to remain competitive in a global marketplace.

It also establishes a competitive and collaborative grant system for MEP

centers, industry groups, and non-industry partners, to undertake manufacturing technology research. Manufacturing is a major source of high skill, high-paying jobs, and this bill will go far to reinvigorate our manufacturing sector.

One of the biggest stumbling blocks to innovation is the technology so-called "Valley of Death," the gap between angel funding and measurable venture capital, the lack of adequate private venture capital for early stage, high-risk, high-reward technology development. Almost 20 years ago, Congress created the Advance Technology Program, or ATP, to address this gap.

Today, the "Valley of Death" remains, but the global innovative environment has changed. H.R. 1868 responds to this by replacing ATP with the Technology Innovation Program, or TIP, which would provide limited, cost-shared grants to small and medium-size firms and joint venture to pursue high risk, high-reward technologies, with potential for broad public benefit.

TIP also acknowledges the vital role that universities play in the innovation cycle by allowing them to fully participate in TIP. H.R. 1868 is a bipartisan bill and incorporates good ideas from both sides of the aisle. It has been endorsed by TechNet, SEMI, the American Small Manufacturers Coalition, the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, the Alliance for Science & Technology Research in America, whose members include the National Association of Manufacturers, the Business Software Alliance and the American Chemical Society. It also enjoys the support of dozens of other organizations, companies, and individuals.

I urge my colleagues to support this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 1868, the Technology Innovation Manufacturing and Stimulation Act of 2007.

I certainly want to thank the Chair of the subcommittee for working very, very closely with us in producing this fine bill.

This bill provides a 3-year authorization for the National Institute of Standards and Technology, familiarly called NIST. Since 1901, NIST scientists and engineers have worked directly with American industries to address their needs for measurement methods, tools, data and technology, the building blocks that allow industry to grow and prosper.

NIST is one of three agencies targeted by the President's American Competitiveness Initiative. The ACI aims to double the Federal investment in physical science and research over the next 10 years to ensure that America remains technologically competitive in the global context marketplace.

Yesterday this body passed an authorization bill for one of the other ACI agencies, the National Science Foundation. I am very pleased that today we are supporting a second ACI agency by authorizing NIST labs at a rate that would double the budget over the next 10 years.

H.R. 1868 is a bipartisan bill that incorporates recommendations from the administration for some of NIST's programs. However, earlier this week, the administration sent up a critical statement about H.R. 1868, and I want to clarify some misunderstanding that may have arisen from that statement.

H.R. 1868 does not underfund the NIST labs, contrary to the statement and the administration's comments. H.R. 1868 provides a 10 percent increase above fiscal year 2007 for the NIST labs and sets the NIST lab budget on a path to double over the next 10 years. This is entirely consistent with the President's overall stated goal for the American Competitiveness Initiative.

H.R. 1868 does not fund or subsidize management consulting services. H.R. 1868 fully funds the highly successful manufacturing extension partnership, better known as the MEP program.

MEP helps businesses improve manufacturing processes, reduce waste and train workers to use new equipment, which keeps high-paying manufacturing jobs here in the United States. This House has already twice passed this MEP authorization in both the 108th and 109th Congress.

Another comment, MEP receives one-third of its funding from the Federal Government, one-third from the States, one-third from fees charged to participating small manufacturers. MEP has over 350 manufacturing extension offices located in all 50 States and Puerto Rico.

H.R. 1868 creates the Technology Innovation Program based on recommendations from the administration. This bill is very clear that only small and medium-size companies can apply for Federal funding.

Universities partnering with this small company can apply for funding, actually expanding the role of university participation, not limiting it as the administration's letter suggests.

The program's sole goal is to accelerate the development and application of challenging high-risk, high-reward technologies in areas of critical national needs, thus, targeting major societal needs that the administration's letter asserts are not part of the bill.

H.R. 1868 authorizes an important investment in our Nation's future economic competitiveness. Mr. Chairman, I want to thank Chairman GORDON and Technology and Innovation Subcommittee Chairman WU for working with us on this important piece of legislation.

I also want to acknowledge the hard work of the gentleman from Georgia (Dr. GINGREY) to improve this legislation.

I also want to make an additional point. At times, some have considered

this as being improper legislation. In particular, the President's statement indicates that is the beginning of an industrial policy.

That is simply not true. For those who are critical of this particular proposal, I want to ask them, first of all, do they oppose the current agricultural extension program, which has been in effect for nearly a century, which has been of inestimable value to our farming communities and to our farmers.

No one would think of ending the cooperative extension service in the agriculture department. It has been extremely valuable to this country. I have been in this body for 14 years. I have never heard anyone offer an amendment to defund the cooperative extension program, even though it costs \$400 million a year and benefits less than 2 percent of the workforce in this country.

At the same time, I have met a number of people, and apparently including some in the administration, who want to kill the MEP program, which is only \$100 million a year and benefits industries that employ 14 percent of the workers in this Nation.

□ 1400

Now, how can it make sense to want to keep a \$400 million program that maintains a workforce of less than 2 million, and kill a program that costs one-fourth as much and helps about eight times as many workers? It doesn't make sense. So that argument is simply out the window.

If we do like the Cooperative Extension Service, we should approve the manufacturing extension partnership, which is of exactly the same nature and is designed to help small- to medium-sized manufacturers develop more jobs in our economy.

Madam Chair, I reserve the balance of my time.

Mr. WU. First, I would like to thank the gentleman from Michigan for his hard work on this legislation. I would further like to thank the gentleman for responding to the factually erroneous statements in the statement of administrative position, and I deeply appreciate the correction for the record.

Madam Chair, I recognize my good friend from New Jersey (Mr. PASCRELL) for 3½ minutes.

Mr. PASCRELL. Madam Chair, I rise in strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, and I wish to congratulate the sponsor of this fine legislation, the chairman of Subcommittee on Technology Innovation, Congressman DAVID WU, and his ranking member, who understandably is not here today, Mr. GINGREY.

I especially am supportive of the provisions of the bill that reauthorize and strengthen the Manufacturing Extension Program. This is very critical. I hope people were listening to Mr. EHLERS, who very cogently spoke and defined what this legislation is all about.

Madam Chair, I represent a district with a long and proud history of manufacturing that goes all the way back to Alexander Hamilton and the birth of the American industry in Paterson, New Jersey. Sadly, we have seen the steady decline of our manufacturing base in America as the state of our competitiveness has fallen behind foreign nations.

The MEP program, the Manufacturing Extension Program, is one of the most successful programs funded by the Federal Government today, and it has provided hope to our Nation's manufacturers. It is a nationwide network of not-for-profit centers in nearly 350 locations, serving all 50 States and Puerto Rico, whose sole purpose is to provide small- and medium-sized manufacturers with the services they need for success.

The president of the New Jersey Manufacturing Extension Program, Bob Loderstedt, captures this program best when he said, "We have a public sector mission accomplished with a private sector mind-set."

I am proud to say that this legislation today will increase funding by 8 percent per year and double the funding over 10 years, so that more small manufacturers will be able to better compete in the global marketplace.

The MEP is certainly no Federal handout. Indeed, it is a public-private partnership for strong manufacturing growth, and these statistics bear this out: In fiscal year 2004 alone, MEP activities directly resulted in almost \$2 billion in new sales and more than 12,000 jobs. MEP's ability to analyze the weaknesses of each manufacturer resulted in \$721 million in cost savings. It also led to \$941 million worth of investment and modernization to meet the future needs of manufacturers.

I have seen firsthand the benefits of the New Jersey MEP as provided for manufacturers, and similar throughout the entire Nation. I believe that this is a very wise investment for us, and we can secure our Nation's manufacturing base. I urge my colleagues from both sides of the aisle to vote in favor of this vital legislation.

In conclusion, Madam Chair, let me say this. I think this is the beginning of finally having a manufacturing policy in this country. That is why we have seen the demise of manufacturing. Alexander Hamilton was right, we have a multifaceted economy; and we must understand, that won the battle and the debate with Thomas Jefferson. We cannot be one economy here. This is a multifaceted economy, and this is good for manufacturing, this is good for America, this is good for our small businesses.

Mr. EHLERS. Madam Chair, I reserve the balance of my time.

Mr. WU. Madam Chair, I yield 2½ minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Chair, my thanks to my friend, Mr. WU, for leading this debate today. I rise

today in strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

The time has come for our country as a whole to stop ceding progress in science and technology to our competitors overseas. As one of the younger Members of this Chamber, I know that it is this generation's responsibility to keep our country competitive with countries like Japan, China, and India, whose young scientists and engineers are making new technological discoveries every day.

H.R. 1868 is part of the Speaker's Innovation Agenda to address how the United States should create a new generation of innovative thinkers and an educated, skilled workforce in science, math, engineering, and information technology. This bill makes a sustained commitment to Federal research and development, and will promote private sector innovation and provide small businesses with the tools to encourage entrepreneurial innovation and job creation throughout the country.

The Innovation Agenda is of particular importance to me as the Representative to Connecticut's Fifth District. We used to be the vanguard of manufacturing in the Fifth District; it is the home of Stanley Tool, of Scoville Brass, Torrington Ball Bearing Company, the fashioner of ball bearings where my grandfather and great-grandfather worked.

The days of those large manufacturing plants, at least in the Fifth Congressional District, are days of the past. However, my district now stands at the precipice of a new manufacturing era.

As I travel around my district, I am struck by how many small, high-tech manufacturers are setting up shop in this corner of the world. For example, in Torrington, high-tech companies are sprouting up on the grounds of the former Torrington Ball Bearing plant. In Danbury, in the shadow of a deserted hat manufacturing plant, a company that specializes in homeland security devices is growing. And in Waterbury, at an old brass factory, Luvata is making wire for an international consortium creating the world's first nuclear fusion device.

These small manufacturers are struggling every day with rising electricity costs and a lack of qualified workers to fill their growing job demands. This is why the Manufacturing Extension Partnership program, a national network of local centers that are set up to help these small manufacturers, are so critical to my district and districts like mine. This program is an effective public-private partnership that helps to leverage State and Federal dollars into private investment funds for these smaller manufacturers.

The importance of small manufacturers to America cannot be overstated. It is these small manufacturing plants where the most innovative work is being done. That is why I am so proud

of where the Fifth District stands as it is ready to lead in this new era.

Lastly, I just would like to voice my support for the Baldrige National Quality Program, named for former Commerce Secretary Malcolm Baldrige. The awards given by the President to businesses that live by Mr. Baldrige's strong belief and quality of performance standards, his widow, Midge Baldrige of Woodbury, Connecticut, and a friend. It is an honor to represent her.

I thank the gentleman for the time, I thank his efforts on this measure, and I urge passage this afternoon here in the House.

Mr. EHLERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I reiterate my strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

This bill is a key part of the President's American competitive initiative, and I am pleased it moved through the Science and Technology Committee in a bipartisan manner, and also moved through speedily.

I thank the staff for their hard work on this bill, including Jenny Healy from Dr. GINGREY's office and Julia Jester from my office. I urge my colleagues to support H.R. 1868.

Madam Chair, I yield back the balance of my time.

Mr. WU. Madam Chair, I also urge support for H.R. 1868. As I am frequently fond of saying, if you don't set standards for things, things don't match up. If you can't measure things, it is not real from a technologic or economic perspective.

The underlying legislation is crucial to America's competitiveness and our place in the world market.

Mr. MATHESON. Madam Chairman, I would like to compliment my friend, Chairman WU. He has been a tireless advocate for America's manufacturers and businesses and this bill will be a great benefit to our Nation's workforce. I appreciate working with the Chairman to include language in H.R. 1868 for a pilot program that, among other things, better enables the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities.

The Manufacturing Extension Partnership Competitive Grant Program described in Section 203(c) of H.R. 1868 is intended to, in addition to traditional manufacturing extension activities, emphasize the need to develop MEP projects that define the technological needs of small-to-medium sized manufacturers and to similarly define the capabilities of new technology and innovations available from institutions of higher education, laboratories, and other technology producing entities. When properly defined and characterized, manufacturers and innovators will have the ability, through computer technology or other means, to match needs with capabilities. I believe that the development and deployment of this matching capability by this Competitive Grant Program will permit access to new and maturing technologies for the 350,000 small-to-medium-sized manufacturers on a broad basis, which has not been possible to date.

Mr. WU. Madam Chairman, I am aware of Representative MATHESON's concerns about technology infusion to small manufacturers. There is study by the National Academy of Public Administration that established the critical need for small manufacturers to have better access to changing technology, production techniques, and business management practices. This study also recommended the improving technology transfer and infusion to small and medium-sized manufacturers. The Committee supports the rapid integration of new technologies and innovations into the manufacturing industry. This integration will help small-to-medium sized manufacturers stay competitive in the global economy while promoting American innovation and preserving American jobs. Language in the bill will facilitate these goals.

Mr. CONYERS. Madam Chairman, I rise in strong support of H.R. 1868, The Technology Innovation and Manufacturing Stimulation Act of 2007. H.R. 1868 authorizes appropriations for scientific and technical research at the National Institute of Standards and Technology (NIST) for fiscal years 2008, 2009, and 2010, strengthens and improves the Manufacturing Extension Partnership (MEP) initiative, and establishes the Technology Innovation Program (TIP) to assist U.S. businesses and institutions of higher education to accelerate development and application of challenging, high-risk technologies that promise widespread economic benefits.

H.R. 1868 authorizes \$365 million for MEP, a highly successful program that helps small and medium domestic manufacturers compete more effectively in the international marketplace. The goal of MEP is not only to maintain current manufacturing jobs, but also to nurture growth in the manufacturing sector to create additional jobs for American workers. The bill provides for an 8 percent increase per year in MEP appropriations, which would double program funding in 10 years.

The Technology Innovation and Manufacturing Stimulation Act of 2007 also amends the National Institute of Standards and Technology Act to establish an MEP board. The current national MEP board is established by the Secretary of Commerce, and has been woefully neglected for 3 years, not meeting at all in 2005 and 2006. NIST recently reconstituted the board, but most members are now from academia, not industry. H.R. 1868 would establish the MEP advisory board in statute, rather than at the discretion of the Secretary of Commerce, and would require majority representation from industry.

My district and others across the country will benefit from funding research at National Institutes of Standards and Technology, strengthening the Manufacturing Extension Partnership, and establishing the Technology Innovation Program, and I am pleased to be able to support it.

Mr. HOLT. Madam Chairman, I rise today in support of the Technology Innovation and Manufacturing Stimulation Act, H.R. 1868. This important legislation is part of an ambitious initiative that will fulfill the Innovation Agenda.

I am proud of my efforts to help craft the Innovation Agenda, which will help provide for future prosperity through wise investments. H.R. 1868 is an integral part of this effort and will help meet the Agenda's call to double funding over the next 10 years for the National

Science Foundation, the National Institute of Standards and Technology (NIST), and the Department of Energy's Office of Science. NIST exists to improve our Nation's economic security and quality of life through the improvement of technology and related sciences and standards. This legislation puts us well on the path to doubling our investment in NIST by setting the appropriate authorization levels through 2010. This will mean actual authorizations of \$470.9 million in FY 2008 and \$537.6 million in FY 2010. These increases are necessary investments in revitalizing NIST's staffing, activity, and physical infrastructure, particularly at a time when we face unprecedented levels of international competition.

In this bill, the Technology Innovation Program (TIP) is created. TIP gives businesses and universities grants that encourage high-risk investments in technology, in cases where such investments have potential widespread economic benefits. This is a sound use of taxpayer money, as projected economic payoff to society is a necessary precondition for issuance of a grant. This program helps to solve the failure of market forces to encourage full investment in research and development. This failure of market forces is rooted in the fact that only one third of the financial reward of research and development investment is felt by investors, with the rest being felt by society as a whole.

H.R. 1868 also improves the competitiveness of the American manufacturing industry by creating postdoctoral fellowships for related research, and by creating a manufacturing research pilot grants program for interdisciplinary collaborations between businesses, State governments, nonprofits, and universities.

By strengthening our existing investment in our national technology and manufacturing capacity and through the creation of new related programs, this bill is a crucial element of the Innovation Agenda to maintain American economic security and global leadership. I encourage my colleagues to support this resolution.

Mr. UDALL of Colorado. Madam Chairman, I am pleased to support H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007.

I am a cosponsor of this important legislation, which reauthorizes the National Institute of Standards and Technology (NIST). NIST has not been completely reauthorized since 1992, yet it is the lead federal agency in much cutting-edge technology, such as semiconductor research and nanotechnology.

NIST is particularly important to me because one of its key laboratories is located in Boulder, Colorado, in my district. The Boulder labs employ more than 350 people and serve as a science and engineering center for significant research across the nation.

A critical component of this legislation is that it includes funding for construction at these laboratories. NIST's Boulder facilities have contributed to great scientific advances, but they are now over 50 years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed at NIST. In Fiscal Year 2007, NIST-Boulder will begin an extension of Building 1 to make room for a Precision Metrology lab. This new facility will allow for incredibly precise control of temperature, relative humidity, air filtration and vibration to advance research on critical technologies, such as atomic clocks

telecommunications, and nanomaterials. To complete this extension, NIST will need further funding in Fiscal Year 2008 and Fiscal Year 2009. H.R. 1868 authorizes this critical funding.

The legislation also includes a needed funding increase for overall laboratory research at NIST. As part of the American Competitiveness initiative, NIST will use these funds to expand upon its world-class research, ensuring that the United States will continue to be globally competitive in many industries.

I am also Pleased to see that the legislation reauthorizes and gradually increases funding for the Manufacturing Extension Partnership (MEP) program. The MEP program has a network of centers across the nation to help small and medium-sized manufacturers develop and commercialize their research. Minimal Federal investment has yielded substantial benefits to manufacturers across the country.

In Colorado, the Colorado Association for Manufacturing and Technology (CAMT) hosts the Colorado MEP (CMEP) program and has helped Colorado's more than 6,000 manufacturers save millions of dollars. Over the last 6 years, CMEP has decreased costs for Colorado manufacturers by almost \$17 million and increased sales by more than \$4 million—so I believe that this is a program that we must continue to support.

This legislation also replaces the Advanced Technology Program (ATP) with the Technology Innovation Program (TIP). The ATP has been a valuable resource to small manufacturers by funding technology development. The TIP will build upon and improve this program to help small U.S. manufacturers remain competitive in the increasingly competitive global market.

I would like to thank Technology and Innovation Subcommittee Chairman WU and Ranking Member GINGREY, as well as Science and Technology Chairman GORDON, for introducing this critical legislation and working to bring it to the floor today.

In conclusion, I encourage all of my colleagues to support H.R. 1868.

Mr. WU. Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. TAUSCHER). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1868

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Technology Innovation and Manufacturing Stimulation Act of 2007".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

*Sec. 1. Short title; table of contents.*

#### **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

*Sec. 101. Scientific and technical research and services.*

*Sec. 102. Industrial technology services.*

#### **TITLE II—INNOVATION AND TECHNOLOGY POLICY REFORMS**

*Sec. 201. Institute-wide planning report.*

Sec. 202. Report by Visiting Committee.  
 Sec. 203. Manufacturing extension partnership.  
 Sec. 204. Technology Innovation Program.  
 Sec. 205. Research fellowships.  
 Sec. 206. Collaborative manufacturing research pilot grants.  
 Sec. 207. Manufacturing fellowship program.  
 Sec. 208. Meetings of Visiting Committee on Advanced Technology.

#### TITLE III—MISCELLANEOUS

Sec. 301. Post-doctoral fellows.  
 Sec. 302. Financial agreements clarification.  
 Sec. 303. Working capital fund transfers.  
 Sec. 304. Retention of depreciation surcharge.  
 Sec. 305. Non-Energy Inventions Program.  
 Sec. 306. Redefinition of the metric system.  
 Sec. 307. Repeal of redundant and obsolete authority.  
 Sec. 308. Clarification of standard time and time zones.  
 Sec. 309. Procurement of temporary and intermittent services.  
 Sec. 310. Malcolm Baldrige awards.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

##### SEC. 101. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) **LABORATORY ACTIVITIES.**—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

- (1) \$470,879,000 for fiscal year 2008;
- (2) \$497,750,000 for fiscal year 2009; and
- (3) \$537,569,000 for fiscal year 2010.

(b) **MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.**—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

- (1) \$7,860,000 for fiscal year 2008;
- (2) \$8,096,000 for fiscal year 2009; and
- (3) \$8,339,000 for fiscal year 2010.

(c) **CONSTRUCTION AND MAINTENANCE.**—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

- (1) \$93,865,000 for fiscal year 2008;
- (2) \$86,371,000 for fiscal year 2009; and
- (3) \$49,719,000 for fiscal year 2010.

##### SEC. 102. INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for Industrial Technology Services activities of the National Institute of Standards and Technology—

- (1) \$222,968,000 for fiscal year 2008, of which—

(A) \$110,000,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least \$45,000,000 shall be for new awards; and

(B) \$112,968,000 shall be for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than \$1,000,000 shall be for the competitive grant program under section 25(f) of such Act;

- (2) \$263,505,000 for fiscal year 2009, of which—

(A) \$141,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least \$45,000,000 shall be for new awards; and

(B) \$122,005,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than \$4,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

- (3) \$282,266,000 for fiscal year 2010, of which—

(A) \$150,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least \$45,000,000 shall be for new awards; and

(B) \$131,766,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than \$4,000,000 shall be for the competitive grant program under section 25(f) of such Act.

#### TITLE II—INNOVATION AND TECHNOLOGY POLICY REFORMS

##### SEC. 201. INSTITUTE-WIDE PLANNING REPORT.

Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by adding at the end the following new subsections:

“(c) Concurrent with the submission to Congress of the President’s annual budget request in the first year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress a 3-year programmatic planning document for the Institute, including programs under the Scientific and Technical Research and Services, Industrial Technology Services, and Construction of Research Facilities functions.

“(d) Concurrent with the submission to the Congress of the President’s annual budget request in each year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress an update to the 3-year programmatic planning document transmitted under subsection (c), revised to cover the first 3 fiscal years after the date of that update.”.

##### SEC. 202. REPORT BY VISITING COMMITTEE.

Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended—

(1) by striking “on or before January 31 in each year” and inserting “within 30 days after the submission to Congress of the President’s annual budget request in each year”; and

(2) by adding to the end the following: “Such report also shall comment on the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).”.

##### SEC. 203. MANUFACTURING EXTENSION PARTNERSHIP.

(a) **MEP ADVISORY BOARD.**—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

“(e) **MEP ADVISORY BOARD.**—(1) There is established within the Institute a Manufacturing Extension Partnership Advisory Board (in this Act referred to as the ‘MEP Advisory Board’). The MEP Advisory Board shall consist of 10 members broadly representative of stakeholders, to be appointed by the Director. At least 2 members shall be employed by or on an advisory board for the Centers, and at least 5 other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

“(2)(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

“(B) The original members of the MEP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

“(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

“(D) Any person who has completed two consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for ap-

pointment during the one-year period following the expiration of the second such term.

“(3) The MEP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

“(A) advice on Manufacturing Extension Partnership programs, plans, and policies;

“(B) assessments of the soundness of Manufacturing Extension Partnership plans and strategies; and

“(C) assessments of current performance against Manufacturing Extension Partnership program plans.

“(4) In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(5) The MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to the Congress of the President’s annual budget request in each year. Such report shall address the status of the Manufacturing Extension Partnership program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).”.

(b) **ACCEPTANCE OF FUNDS.**—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

“(d) **ACCEPTANCE OF FUNDS.**—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).”.

(c) **MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.**—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), as amended by subsection (a) of this section, is further amended by adding at the end the following new subsection:

“(f) **COMPETITIVE GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) **PARTICIPANTS.**—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) **PURPOSE.**—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, and including the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities, or extend beyond these traditional areas.

“(4) **APPLICATIONS.**—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership Advisory Board.



“(5) **SELECTION.**—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

“(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

“(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

“(C) that will contribute to the long-term economic stability of that region.

“(6) **PROGRAM CONTRIBUTION.**—Recipients of awards under this subsection shall not be required to provide a matching contribution.”

#### **SEC. 204. TECHNOLOGY INNOVATION PROGRAM.**

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended to read as follows:

##### **“TECHNOLOGY INNOVATION PROGRAM**

“**SEC. 28. (a) ESTABLISHMENT.**—There is established in the Institute a Technology Innovation Program for the purpose of assisting United States businesses and institutions of higher education or other organizations, such as national laboratories and nonprofit research institutes, to accelerate the development and application of challenging, high-risk technologies that promise widespread economic benefits for the Nation.

##### **“(b) GRANTS.**

“(1) **IN GENERAL.**—The Director shall make grants under this section to eligible companies for research and development on high-risk, high-payoff emerging and enabling technologies that offer significant potential benefits to the United States economy and a wide breadth of potential application, and form an important technical basis for future innovations. Such grants shall be made to eligible companies that are—

“(A) small or medium-sized businesses that are substantially involved in the research and development, including having a leadership role in programmatically steering the project and defining the research agenda; or

“(B) joint ventures.

“(2) **SINGLE COMPANY GRANTS.**—No grant made under paragraph (1)(A) shall exceed \$3,000,000 over 3 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs. An award under paragraph (1)(A) may be extended beyond 3 years only if the Director transmits to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full and complete explanation of such award, including reasons for exceeding 3 years. Federal funds granted under paragraph (1)(A) may be used only for direct costs and not for indirect costs, profits, or management fees of a contractor.

“(3) **JOINT VENTURE GRANTS.**—No grant made under paragraph (1)(B) shall exceed \$9,000,000 over 5 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs.

“(c) **AWARD CRITERIA.**—The Director shall award grants under this section only to an eligible company—

“(1) whose proposal has scientific and technological merit;

“(2) whose application establishes that the proposed technology has strong potential to generate substantial benefits to the Nation that extend significantly beyond the direct return to the applicant;

“(3) whose application establishes that the research has strong potential for advancing the state-of-the-art and contributing significantly to the United States scientific and technical knowledge base;

“(4) whose application establishes that the research is aimed at overcoming a scientific or technological barrier;

“(5) who has provided a technical plan that clearly identifies the core innovation, the tech-

nical approach, major technical hurdles, and the attendant risks, and that clearly establishes the feasibility of the technology through adequately detailed plans linked to major technical barriers;

“(6) whose application establishes that the team proposed to carry out the work has a high level of scientific and technical expertise to conduct research and development, has a high level of commitment to the project, and has access to appropriate research facilities;

“(7) whose proposal explains why Technology Innovation Program support is necessary;

“(8) whose application includes a plan for advancing the technology into commercial use; and

“(9) whose application assesses the project's organizational structure and management plan.

“(d) **EXTERNAL REVIEW OF PROPOSALS.**—In order to analyze the need for or the value of any proposal made by a joint venture or company requesting the Director's assistance under this section, or to monitor the progress of any project which receives funds under this section, the Director shall consult with industry or other expert sources that do not have a proprietary or financial interest in the proposal or project.

“(e) **INTELLECTUAL PROPERTY RIGHTS OWNERSHIP.**—

“(1) **IN GENERAL.**—Title to any intellectual property developed by a joint venture from assistance provided under this section may vest in any participant in the joint venture, as agreed by the members of the joint venture, notwithstanding section 202(a) and (b) of title 35, United States Code. The United States may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the United States in connection with any such intellectual property, but shall not in the exercise of such license publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a participant in the joint venture, until the expiration of the first patent obtained in connection with such intellectual property.

“(2) **LICENSING.**—Nothing in this subsection shall be construed to prohibit the licensing to any company of intellectual property rights arising from assistance provided under this section.

“(3) **DEFINITION.**—For purposes of this subsection, the term ‘intellectual property’ means an invention patentable under title 35, United States Code, or any patent on such an invention, or any work for which copyright protection is available under title 17, United States Code.

“(f) **PROGRAM OPERATION.**—Not later than 9 months after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall issue regulations—

“(1) establishing criteria for the selection of recipients of assistance under this section;

“(2) establishing procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this section; and

“(3) providing for appropriate dissemination of Technology Innovation Program research results.

“(g) **CONTINUATION OF ATP GRANTS.**—The Director shall, through the Technology Innovation Program, continue to provide support originally awarded under the Advanced Technology Program, in accordance with the terms of the original award.

“(h) **COORDINATION WITH OTHER FEDERAL TECHNOLOGY PROGRAMS.**—In carrying out this section, the Director shall, as appropriate, coordinate with other senior Federal officials to

ensure cooperation and coordination in Federal technology programs and to avoid unnecessary duplication of efforts.

“(i) **ACCEPTANCE OF FUNDS FROM OTHER FEDERAL AGENCIES.**—In addition to amounts appropriated to carry out this section, the Secretary and the Director may accept funds from other Federal agencies to support awards under the Technology Innovation Program. Any award under this section which is supported with funds from other Federal agencies shall be selected and carried out according to the provisions of this section.

##### **“(j) TIP ADVISORY BOARD.**

“(1) **ESTABLISHMENT.**—There is established within the Institute a Technology Innovation Program Advisory Board. The TIP Advisory Board shall consist of 10 members appointed by the Director, at least 7 of which shall be from United States industry, chosen to reflect the wide diversity of technical disciplines and industrial sectors represented in Technology Innovation Program projects. No member shall be an employee of the Federal Government.

“(2) **TERMS OF OFFICE.**—(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the TIP Advisory Board shall be 3 years.

“(B) The original members of the TIP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

“(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

“(D) Any person who has completed two consecutive full terms of service on the TIP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

“(3) **PURPOSE.**—The TIP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

“(A) advice on programs, plans, and policies of the Technology Innovation Program;

“(B) reviews of the Technology Innovation Program's efforts to assess its economic impact;

“(C) reports on the general health of the program and its effectiveness in achieving its legislatively mandated mission;

“(D) guidance on areas of technology that are appropriate for Technology Innovation Program funding; and

“(E) recommendations as to whether, in order to better assess whether specific innovations to be pursued are being adequately supported by the private sector, the Director could benefit from advice and information from additional industry and other expert sources without a proprietary or financial interest in proposals being evaluated.

“(4) **ADVISORY CAPACITY.**—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(5) **ANNUAL REPORT.**—The TIP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to Congress of the President's annual budget request in each year. Such report shall address the status of the Technology Innovation Program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).

“(k) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘eligible company’ means a company that is incorporated in the United States and does a majority of its business in the United States, and that either—

“(A) is majority owned by citizens of the United States; or

“(B) is owned by a parent company incorporated in another country and the Director finds that—

“(i) the company’s participation in the Technology Innovation Program would be in the economic interest of the United States, as evidenced by—

“(I) investments in the United States in research and manufacturing (including the manufacture of major components or subassemblies in the United States);

“(II) significant contributions to employment in the United States; and

“(III) agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry); and

“(ii) the company is incorporated in a country which—

“(I) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those receiving funding under this section;

“(II) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

“(III) affords adequate and effective protection for the intellectual property rights of United States-owned companies;

“(2) the term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

“(3) the term ‘joint venture’ means a joint venture that—

“(A) includes either—

“(i) at least 2 separately owned for-profit companies that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being one of those companies that is a small or medium-sized business; or

“(ii) at least one small or medium-sized business and one institution of higher education or other organization, such as a national laboratory or nonprofit research institute, that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being either that small or medium-sized business or that institution of higher education; and

“(B) may include additional for-profit companies, institutions of higher education, and other organizations, such as national laboratories and nonprofit research institutes, that may or may not contribute non-Federal funds to the project; and

“(4) the term ‘TIP Advisory Board’ means the advisory board established under subsection (j).”

#### SEC. 205. RESEARCH FELLOWSHIPS.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by striking “up to 1 per centum of the” and inserting “up to 1.5 percent of the”.

#### SEC. 206. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

#### “SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

“(a) AUTHORITY.—

“(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in para-

graph (3). Awards shall be made on a peer-reviewed, competitive basis.

“(2) PARTICIPANTS.—Such partnerships shall include at least—

“(A) 1 manufacturing industry partner; and

“(B) 1 nonindustry partner.

“(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

“(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

“(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

“(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

“(2) the research that the grant would fund; and

“(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

“(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

“(1) the degree to which projects will have a broad impact on manufacturing;

“(2) the novelty and scientific and technical merit of the proposed projects; and

“(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

“(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

“(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.”

#### SEC. 207. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Director is authorized”; and

(2) by adding at the end the following new subsection:

“(b) MANUFACTURING FELLOWSHIP PROGRAM.—

“(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

“(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

“(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

“(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(3) STIPEND LEVELS.—Under this subsection, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.”

#### SEC. 208. MEETINGS OF VISITING COMMITTEE ON ADVANCED TECHNOLOGY.

Section 10(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278(d)) is amended by striking “quarterly” and inserting “twice each year”.

### TITLE III—MISCELLANEOUS

#### SEC. 301. POST-DOCTORAL FELLOWS.

Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended by striking “nor more than 60 new fellows” and inserting “nor more than 120 new fellows”.

#### SEC. 302. FINANCIAL AGREEMENTS CLARIFICATION.

Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting “and grants and cooperative agreements,” after “arrangements.”

#### SEC. 303. WORKING CAPITAL FUND TRANSFERS.

Section 12 of the National Institute of Standards and Technology Act (15 U.S.C. 278b) is amended by adding at the end the following:

“(g) AMOUNT AND SOURCE OF TRANSFERS.—Not more than one-quarter of one percent of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.”

#### SEC. 304. RETENTION OF DEPRECIATION SURCHARGE.

Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Within”; and

(2) by adding at the end the following:

“(b) RETENTION OF FEES.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A-25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of the Institute’s existing facilities.”

#### SEC. 305. NON-ENERGY INVENTIONS PROGRAM.

Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

#### SEC. 306. REDEFINITION OF THE METRIC SYSTEM.

Section 3570 of the Revised Statutes of the United States (derived from section 2 of the Act of July 28, 1866, entitled “An Act to authorize the Use of the Metric System of Weights and Measures” (15 U.S.C. 205; 14 Stat. 339)) is amended to read as follows:

#### “SEC. 3570. METRIC SYSTEM DEFINED.

“The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.”

#### SEC. 307. REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.

The Act of July 21, 1950, entitled “An Act To redefine the units and establish the standards of electrical and photometric measurements” (15 U.S.C. 223 and 224) is repealed.

#### SEC. 308. CLARIFICATION OF STANDARD TIME AND TIME ZONES.

(a) Section 1 of the Act of March 19, 1918, (commonly known as the “Calder Act”) (15 U.S.C. 261) is amended—

(1) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded by 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(2) by adding at the end the following: "In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy."

(b) Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended by striking "third zone" and inserting "fourth zone".

#### SEC. 309. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology may procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code to assist on urgent or short-term research projects.

(b) EXTENT OF AUTHORITY.—A procurement under this section may not exceed 1 year in duration, and the Director shall procure no more than 200 experts and consultants per year.

(c) SUNSET.—This section shall cease to be effective after September 30, 2010.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether additional safeguards would be needed with respect to the use of authorities granted under this section if such authorities were to be made permanent.

#### SEC. 310. MALCOLM BALDRIGE AWARDS.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended to read as follows:

"(3) In any year, not more than 18 awards may be made under this section to recipients who have not previously received an award under this section, and no award shall be made within any category described in paragraph (1) if there are no qualifying enterprises in that category."

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-118. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WU:

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-118.

Mr. WU. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WU:

In section 204, in the proposed section 28(a), insert "research and" after "to accelerate the".

In section 204, in the proposed section 28(a), strike "technologies" and insert "high-reward technologies in areas of critical national need".

In section 204, in the proposed section 28(b)(1), strike "this section to eligible companies" and insert "this section".

In section 204, in the proposed section 28(b)(1), strike "high-payoff" and insert "high-reward".

In section 204, in the proposed section 28(b)(1), strike "offer significant potential benefits to the United States economy and" and insert "address critical national needs and have".

In section 204, in the proposed section 28(b)(1), strike "eligible companies that are".

In section 204, in the proposed section 28(b)(1)(A), insert "eligible companies that are" before "small or".

In section 204, in the proposed section 28(h), insert "STATE AND" after "COORDINATION WITH OTHER".

In section 204, in the proposed section 28(h), insert "State and" after "with other senior".

In section 204, in the proposed section 28(h), insert "State and" after "coordination in".

In section 204, in the proposed section 28(k), insert the following new paragraph after paragraph (1) (and redesignate subsequent paragraphs accordingly):

"(2) the term 'high-risk, high-reward research' means research that—

"(A) has the potential for yielding results with far-ranging or wide-ranging implications;

"(B) addresses critical national needs related to technology and measurement standards; and

"(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chair, I am pleased to be offering this amendment with Dr. GINGREY, the ranking member of the Technology and Innovation Subcommittee. This amendment was developed as a result of recommendations of the Director of the National Institute of Standards and Technology.

The amendment ensures that the Technology Innovation Program, TIP, will focus on high-reward technologies in areas of critical national need. In addition, it provides additional guidance that the program must coordinate with similar State organizations and programs. Many States have developed innovation agendas to stimulate job growth, and it makes sense that we should ensure that this program coordinates with these existing programs.

Finally, the amendment includes a definition of high-risk, high-reward research. Dr. GINGREY and I worked closely in developing this amendment, and I would urge its adoption.

Madam Chair, I reserve the balance of my time.

Mr. EHLERS. Madam Chair, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. EHLERS. Madam Chair, I yield myself such time as I might consume.

This is a good amendment and I support it. In response to concerns from the administration, as explained earlier, it clarifies that the Technology Innovation Program will only support projects that address critical national needs.

It also expands the definition of high-risk research to ensure that the TIP program will only support projects that are too novel or diverse to fare well in the traditional peer review or venture capital process.

I urge my colleagues to support the Wu-Gingrey amendment. And I also want to just comment, Mr. GINGREY certainly wished to be here. I am filling in his role only because he had to travel home for a funeral, and he may reappear yet before the end of this particular bill.

Madam Chair, I reserve the balance of my time.

Mr. WU. Madam Chair, I regret that Dr. GINGREY is not able to be with us today because of a funeral at home, and I would like to just reiterate my appreciation for his hard work on this amendment and my support for this amendment.

□ 1415

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-118.

AMENDMENT NO. 3 OFFERED BY MR. MANZULLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-118.

Mr. MANZULLO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MANZULLO:

At the end of title II, insert the following new section (and amend the table of contents accordingly):

#### SEC. 209. MANUFACTURING RESEARCH DATABASE.

(a) ESTABLISHMENT.—The National Institute of Standards and Technology shall provide for the establishment of a manufacturing research database to enable private sector individuals and Federal officials to access a broad range of information on manufacturing research carried out with funding support from the Federal Government.

(b) CONTENTS.—The database established under subsection (a) shall contain—

(1) all publicly available information maintained by a Federal agency relating to manufacturing research projects funded in whole or in part by the Federal Government; and

(2) information about all Federal programs that may be of interest to manufacturers.

(c) ACCESSIBILITY.—Information contained in the database shall be accessible in a manner to enable users of the database to easily retrieve information of specific interest to them.

(d) FEES.—The National Institute of Standards and Technology may authorize charging a nominal fee for using the database to access information described in subsection (b)(1) as necessary to recover the costs of maintaining the database.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology \$2,000,000 for carrying out this section.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Madam Chair, I will not use the 5 minutes, and submit my full remarks in the RECORD.

This amendment is very simple. It authorizes \$2 million for NIST to develop a software package so that manufacturers have basic information about all the Federal programs available to assist them, particularly in the area of research and development. It will provide a link so that manufacturers would know the latest status of all Federal R&D projects relating to manufacturing.

I first realized the need for this software after speaking at a speaking engagement in Nashville, Tennessee. I was walking on the showroom floor and found a major manufacturer from Kansas City with a display that was very familiar to me. The display had a miniature spur gear mounted near the nose of Lincoln on a Lincoln penny. The EIGERlab in Rockford, Illinois has this exact same way of displaying their miniature spur gear. I asked the employees of the major manufacturer if they had heard of the micro machining work done at the EIGERlab. The Kansas City manufacturer had done its work by using an EDM. The EIGERlab had done its work using a milling process. Neither of these parties had known of each other. It dawned on me that I was the only person that knew these two places were making the exact same product, although by different methods, and both were being funded by the Defense Department.

The story illustrates the need for software that allows users to monitor and track where and to whom research money has been granted relating to manufacturing and the status and purpose of the research. My vision for the system would be that the final product would be easily accessible on NIST's Web site. NIST would also be authorized by my amendment to charge a nominal fee for the use of the service, if they so choose, to establish and maintain the Web site. If a fee is imposed, I would encourage that the fee be as small as possible to reflect the actual cost.

I urge my colleagues to support this amendment.

Madam Chairman, I am proud to represent a district that has a county with the second highest concentration of manufacturing as a percentage its share of the local economy in the entire Nation. Only one other county in America with a population of 250,000 or less has more manufacturing than the county that surrounds the second largest city in Illinois—Rockford. I have made it my life mission to get to know all about manufacturing. I have visited literally hundreds of factories and small shops all around the world to enhance my education about this vital sector of our economy.

I crafted this amendment because I have been frustrated during my time in Congress that no one has a complete picture of who is doing what in the Federal government concerning manufacturing. No one has a complete list of the federal programs available to help manufacturers, not even the Manufacturing Czar at Commerce. Right now, the Government Accountability Office (GAO) is finalizing a report at my request to document all of the programs that deal with manufacturing. Thus far, they have informed me that there are over 280 programs spread throughout the Federal agencies that focus in some aspect on manufacturing.

This problem is compounded further by a lack of transparency among Federal agencies in terms of funding that is approved for certain projects. Plus, manufacturers who would like to avail themselves of various Federal programs do not know where to turn for answers. You would think that somewhere a matrix exists that details what firms are receiving Federal R&D money and how it is being used, but I can tell you that it does not. Let me share with you one clear example.

After a speaking engagement in Tennessee, I was walking the showroom floor and found a major manufacturer out of Kansas City, Missouri with a display that was very familiar to me. The display had a miniature spur gear mounted near the nose of Lincoln on a penny. The penny was enclosed in a plastic box with a magnified top so that you can see the gear. The EIGERlab in Rockford, Illinois has this exact same way of displaying their miniature spur gear. I asked the employees of this major manufacturer if they had heard of the EIGERlab and the work they are doing on micromachining. They had not. It dawned on me that I was the only person that knew these two places were making the exact same product and both were being funded by the Defense Department.

This story illustrates well the need for software that allows users to monitor and track where and to whom research money has been granted related to manufacturing, and the status and purpose of the research. This software would allow users to input the material type or process being used and it would scan for all federal dollars being put towards the searched criteria. The purpose of this amendment is to cut down on the possible duplication of research going on even within the same agency.

My amendment would authorize a \$2 million dollar set aside for software to develop this system so that manufacturers would have basic information about all the federal programs available to assist them and also to provide a link so that they would be able to know the latest status on all of the federal R&D projects related to manufacturing. NIST could either develop this software system themselves or contract it out to someone else.

My vision for this system would be that the final product would be easily accessible on NIST's web site. NIST would also be authorized by my amendment to charge a nominal fee for the use of this service if they so choose to help establish and maintain the web site just as the Department of Commerce does with other services such as in-depth market research for exporters. The fee could be a yearly subscription for frequent users or a per visit charge. If a fee is imposed, I would encourage that the fee be as small as possible to reflect actual cost.

This is a very important amendment and I urge my colleagues to support it. If this interactive software can be established, this will be a huge accomplishment, particularly for small manufacturers.

Madam Chairman, I reserve the balance of my time.

Mr. WU. Madam Chair, I claim the time in opposition to the amendment, although it is not my intent to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. WU. The gentleman from Illinois' amendment will provide useful information to our manufacturing sector, and its inclusion will strengthen a bill already focused on competitiveness in manufacturing.

Madam Chairman, I reserve the balance of my time.

Mr. MANZULLO. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Chairwoman, there's no need to repeat the contents of the amendment. I believe it is a good amendment. I believe it is a needed amendment, and I particularly like that it will be self-funding, although there is a small amount of money needed to start it off, but from that point it should be self-funded, should NIST decide to do that. So I urge support for the amendment.

Mr. MANZULLO. Madam Chairman, I yield back the balance of my time.

Mr. WU. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-118.

Mr. WYNN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The time when the gentleman's amendment was in order has passed. Amendment No. 4 is now in order.

#### PARLIAMENTARY INQUIRY

Mr. WYNN. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WYNN. Would it be permissible to have my amendment considered at the end of the amendments?

The Acting CHAIRMAN. The Committee of the Whole is not able to

change the order of the amendments established by House Resolution 350.

Mr. WYNN. I thank the Chair.

AMENDMENT NO. 4 OFFERED BY MRS. BOYDA OF KANSAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-118.

Mrs. BOYDA of Kansas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BOYDA of Kansas:

In section 204, in the proposed section 28(c)(2), insert “, to include the replacement of petroleum-based materials,” after “benefits to the Nation”.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentlewoman from Kansas (Mrs. BOYDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. Madam Chairman, I appreciate the Chairman's willingness to highlight the potential cost savings to the Nation through the research and commercialization of plastics technology utilizing renewable energy sources for common plastics applications. I hope that the Director of the National Institute of Technology will give attention to the collaborative efforts between universities and small and medium-sized businesses in the development of economical methods of manufacturing common plastic items from renewable energy sources.

I yield to the gentleman from Oregon.

Mr. WU. Madam Chairman, I want to assure the gentlelady from Kansas that we will be happy to work with her to address her concerns as this bill moves through the legislative process.

Mrs. BOYDA of Kansas. I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-118.

Mr. WU. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Virginia) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, had come to no resolution thereon.

PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Mr. WYNN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1868 in the Committee of the Whole, pursuant to H. Res. 350, that amendment No. 2 may be offered out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1868.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 3 offered by the gentleman from Illinois (Mr. MANZULLO) had been disposed of.

AMENDMENT NO. 2 OFFERED BY MR. WYNN

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-118.

Mr. WYNN. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WYNN:

In section 204, in the proposed section 28(b)(1), insert “(including any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use)” after “enabling technologies”.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Madam Chair, the amendment that I am proposing will make sure that the biotechnology research and innovation are included under TIP's funding objectives by expanding the definition of enabling technologies in section 204 of the bill to

include “any technological application that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for specific use.”

Biotechnology is an emerging segment of the technology sector often overlooked as an excellent source of manufacturing jobs and research and development. The biotechnology industry is a driving force in the Maryland economy and a rising sector of the American economy.

In the United States, the biotechnology industry has created more than 200 new therapies and vaccines, including products to treat cancer, diabetes, HIV/AIDS and anti-autoimmune disorders.

The industry continues to develop innovative therapies over 400 products are currently in clinical trials targeting over 200 diseases. The biotechnology industry is comprised of mostly small start-ups that don't have an existing stream of revenue and are years away from product commercialization. It takes at least 8 years, and then up to \$1.2 billion to get a biotechnology therapy approved.

It is these small companies, many of which will never see a product come to market or turn a product that are undertaking the bulk of early development gambles and working toward innovative cures. In fact, small biotech companies account for two-thirds of the industry's pipeline.

In 2005, there were 1,400 biotech companies in the United States, but only 329 were publicly traded. The majority of the Biotechnology Industry Organization's (BIO) members are small companies that have fewer than 50 employees.

The U.S. is the leader in biotechnology. The number of products in the late stage pipeline in the U.S. has double the number of products in the E.U. This is largely due to the fact that per capita biotech R&D in the U.S. is 574 percent higher than in the E.U.

□ 1430

My State of Maryland is a leader among States in biotechnology research and innovation, and Maryland-based businesses will benefit greatly from the funding awarded under this bill. But not only Maryland; other small startup companies in the biotech industry will benefit by inclusion of this bill.

I believe it is a simple, straightforward amendment that just expands and clarifies the fact that biotechnology companies should be included, and I ask support for the amendment.

Mr. WU. Madam Chairman, will the gentleman yield?

Mr. WYNN. I would be happy to yield.

Mr. WU. Madam Chairman, on the Science and Technology Committee we are keenly aware of the importance of the biotechnology industry to our economy. We also know that the

growth in our biotech industry is largely due to early Federal investment and support in this field, and I am pleased to support the gentleman from Maryland's amendment.

Mr. WYNN. Madam Chairman, I thank the chairman for his support.

Madam Chairman, I yield back the balance of my time.

Mr. EHLERS. Madam Chairman, I rise to say I have no objection to the amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Virginia) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, pursuant to House Resolution 350, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ENGLISH of Pennsylvania. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. English of Pennsylvania moves to recommit the bill H.R. 1868 to the Committee on Science and Technology with instructions to report back the same forthwith with an amendment. The amendment is as follows:

In section 204, insert "(a) AMENDMENT.—" before "Section 28 of".

In section 204, add at the end the following new subsection:

(b) LIMITING AUTHORIZATIONS IN ANY YEAR FOLLOWING A YEAR WITH AN ON-BUDGET (EXCLUDING SOCIAL SECURITY) DEFICIT AND AN OFF-BUDGET (SOCIAL SECURITY) SURPLUS.—

(1) LIMITATION.—Notwithstanding any other provision of this Act, for any fiscal year for which funds are authorized to be appropriated under this Act that immediately follows a fiscal year in which the Government has an actual on-budget deficit and an actual off-budget surplus, the amount of money authorized to be appropriated under this Act for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act, as amended by subsection (a) of this section, shall not exceed the amount appropriated for that Program, or the predecessor Advanced Technology Program, for the preceding fiscal year.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "actual on-budget deficit" means a fiscal year during which total outlays of the Government excluding outlays from Social Security programs exceeds total receipts of the Government excluding receipts from Social Security programs;

(B) the term "actual off-budget surplus" means a fiscal year in which receipts from Social Security programs exceeds outlays from Social Security programs; and

(C) the term "Social Security programs" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

Mr. WU. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in my view, there are three Grand Canyons in America. One is famous, and it is in Arizona and, I think, familiar to most in the West. Another is well known in the eastern United States, and it is in Wellsboro, Pennsylvania.

The third has opened up since the last election. And here, Mr. Speaker, I am referring to the grand canyon, the gap, between the rhetoric of the Democratic Caucus in the House of Representatives, as witnessed on the floor of the House in the last Congress and in previous Congresses, and the policies of the Democratic Congress since being sworn in in this Congress.

I remember, Mr. Speaker, fondly, some of the speeches that were given on the floor of Congress on behalf of the Social Security system. Some fierce, even lachrymose presentations that any additional funding for any new priority inevitably would be at the expense of the balance of the Social Security system, which is seriously in the red. In other words, new spending, because we were running a deficit, was inevitably at the expense of the Social Security system. I have heard our friends on the other side of the aisle make the case repeatedly in previous Congresses to restrict spending because additional funds would be coming out of the Social Security system.

But, Mr. Speaker, since the election, Democrats seem to have muted these concerns and Democratic actions have been very different.

Mr. Speaker, I propose to give our friends on the other side of the aisle an opportunity to bridge the Grand Canyon. I propose to give the majority a small, perhaps symbolic, but very important opportunity to reach out and express their commitment to fiscal policies that preserve the Social Security balance for what it was intended for: to fund retirement savings.

Mr. Speaker, by commingling our Social Security surplus with our deficit-ridden general fund, we potentially expose our Social Security system to risk by shielding our policymakers from their spending decisions to the full consequences and the full balance sheet. The time has come for us to change that practice.

Specifically, this motion says that the funding authorized for the Advanced Technology Program will be capped at the previous year's appropriated amount until such time as the Social Security surplus is not used to foot part of the bill.

There is no doubt that the ATP program has great merit. But I think we have to ask ourselves, Mr. Speaker, is increasing funding for the program more important than saving the Social Security surplus for future beneficiaries?

Mr. Speaker, I serve on the committee of jurisdiction, and recently we had an opportunity to hear from the Social Security actuaries one more time that the Social Security system is at risk, is under enormous pressure, and that the time has come to take decisive steps to make it solvent so that its promise can be fulfilled to the next generation. What we are proposing here today is maybe to begin this process in a small way and create an opportunity for all of our friends in this institution to go on record firmly in an important policy decision and make it clear that we are not going to raid the Social Security fund in the future.

This is a very clear issue. It is a very simple issue. It is an opportunity to cut past the rhetoric and, frankly, create an opportunity for us to do something very significant on one of the major issues facing the country.

Mr. Speaker, I hope everyone in this body will join me in supporting this very important initiative on behalf of the Social Security fund.

Mr. Speaker, I yield back the balance of my time.

Mr. WU. Mr. Speaker, I withdraw my point of order, and I rise in strong opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. WU. Mr. Speaker, we have heard much talk about the Social Security trust fund and the solvency of Social Security. But in the time that I have been here, in 8 years, the solvency of Social Security has been increased by approximately 8 years, and that increase is because of American economic growth. It was projected at 34 years of solvency. It is currently projected at 42 years of solvency, and that



is based on conservative, conservative estimates. The reason why there has been that increase in the solvency period of Social Security is because of economic growth.

There is nothing more important to the American economy and our competitiveness than the legislation that we are considering today.

The motion to recommit which the gentleman offers would fundamentally gut this legislation and prevent us from investing in the most productive of technologies, a traditional role which the Federal Government has played to support research and early-stage development, not commercialization, but early-stage development. By prohibiting those activities with this cap, what in essence would happen is our rate of economic growth would be slackened, our ability to manufacture jobs would be decreased.

This is a motion to recommit which would gut the bill, and I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 216, not voting 26, as follows:

[Roll No. 300]

YEAS—190

Aderholt	Capito	Frelinghuysen
Akin	Carter	Galleghy
Alexander	Castle	Garrett (NJ)
Bachmann	Chabot	Gerlach
Bachus	Coble	Gilchrest
Baker	Cole (OK)	Gillmor
Barrett (SC)	Conaway	Gohmert
Bartlett (MD)	Crenshaw	Goode
Barton (TX)	Culberson	Goodlatte
Biggert	Davis (KY)	Granger
Billray	Davis, David	Hall (TX)
Bilirakis	Davis, Tom	Hastings (WA)
Bishop (UT)	Deal (GA)	Hayes
Blackburn	Dent	Heller
Blunt	Diaz-Balart, L.	Hensarling
Boehner	Diaz-Balart, M.	Herger
Bonner	Donnelly	Hill
Bono	Doolittle	Hobson
Boozman	Drake	Hoekstra
Boustany	Dreier	Hulshof
Brady (TX)	Duncan	Inglis (SC)
Brown (SC)	Ellsworth	Issa
Brown-Waite,	Emerson	Johnson (IL)
Ginny	English (PA)	Johnson, Sam
Buchanan	Everett	Jones (NC)
Burgess	Fallin	Jordan
Burton (IN)	Feeney	Keller
Buyer	Ferguson	King (IA)
Calvert	Flake	King (NY)
Camp (MI)	Forbes	Kingston
Campbell (CA)	Fortenberry	Kirk
Cannon	Fossella	Kline (MN)
Cantor	Fox	Knollenberg

Kuhl (NY)	Peterson (PA)	Shimkus
LaHood	Petri	Shuler
Lamborn	Pickering	Shuster
Latham	Pitts	Simpson
LaTourette	Platts	Smith (NE)
Lewis (CA)	Poe	Smith (NJ)
Lewis (KY)	Porter	Smith (TX)
Linder	Price (GA)	Souder
LoBiondo	Pryce (OH)	Stearns
Lucas	Putnam	Sullivan
Lungren, Daniel	Ramstad	Taylor
E.	Regula	Terry
Mack	Rehberg	Thornberry
Manzullo	Reichert	Tiahrt
Marchant	Renzi	Tiberi
McCarthy (CA)	Reynolds	Turner
McCaul (TX)	Rogers (AL)	Upton
McCotter	Rogers (KY)	Walberg
McCrery	Rogers (MI)	Walden (OR)
McKeon	Rohrabacher	Walsh (NY)
Mica	Ros-Lehtinen	Wamp
Miller (FL)	Roskam	Weldon (FL)
Miller (MI)	Royce	Weller
Miller, Gary	Ryan (WI)	Westmoreland
Moran (KS)	Sali	Whitfield
Murphy, Tim	Saxton	Wicker
Musgrave	Schmidt	Wilson (NM)
Myrick	Sensenbrenner	Wilson (SC)
Neugebauer	Sessions	Wolf
Nunes	Shadegg	Young (AK)
Pence	Shays	Young (FL)

NAYS—216

Abercrombie	Giffords	Meek (FL)
Ackerman	Gillibrand	Meeks (NY)
Allen	Gonzalez	Melancon
Altmire	Gordon	Michaud
Andrews	Green, Al	Miller (NC)
Arcuri	Green, Gene	Miller, George
Baca	Grijalva	Mitchell
Baird	Gutierrez	Mollohan
Baldwin	Hall (NY)	Moore (KS)
Barrow	Hare	Moore (WI)
Bean	Harman	Moran (VA)
Becerra	Hastings (FL)	Murphy (CT)
Berkley	Hereth Sandlin	Murphy, Patrick
Berman	Higgins	Murtha
Berry	Hinchee	Nadler
Bishop (GA)	Hinojosa	Napolitano
Bishop (NY)	Hirono	Neal (MA)
Blumenauer	Hodes	Oberstar
Boren	Holden	Obey
Boswell	Holt	Oliver
Boucher	Honda	Pallone
Boyd (FL)	Hookey	Pascarella
Boyd (KS)	Hoyer	Pastor
Braley (IA)	Inslee	Payne
Brown, Corrine	Israel	Perlmutter
Jackman	Jackson (IL)	Peterson (MN)
Capuano	Jackson-Lee	Pomeroy
Cardoza	(TX)	Price (NC)
Carnahan	Jefferson	Rahall
Carney	Johnson (GA)	Rangel
Castor	Jones (OH)	Reyes
Chandler	Kagen	Rodriguez
Clarke	Kanjorski	Ross
Clay	Kaptur	Roybal-Allard
Cleaver	Kennedy	Ruppersberger
Clyburn	Kildee	Rush
Cohen	Kilpatrick	Ryan (OH)
Conyers	Kind	Salazar
Cooper	Klein (FL)	Sanchez, Linda
Costello	Kucinich	T.
Courtney	Langevin	Sanchez, Loretta
Cramer	Lantos	Sarbanes
Crowley	Larsen (WA)	Schakowsky
Cuellar	Larson (CT)	Schiff
Cummings	Lee	Schwartz
Davis (AL)	Levin	Scott (GA)
Davis (CA)	Lewis (GA)	Scott (VA)
Davis (IL)	Lipinski	Serrano
Davis, Lincoln	Loebach	Sestak
DeFazio	Loftgren, Zoe	Shea-Porter
DeGette	Lowey	Sherman
Delahunt	Lynch	Sires
DeLauro	Mahoney (FL)	Skelton
Dicks	Maloney (NY)	Slaughter
Dingell	Markey	Smith (WA)
Doggett	Marshall	Snyder
Doyle	Matheson	Solis
Edwards	Matsui	Space
Ehlers	McCarthy (NY)	Spratt
Ellison	McCollum (MN)	Stark
Emanuel	McDermott	Stupak
Flake	McGovern	Sutton
Eshoo	McIntyre	Tauscher
Etheridge	McNerney	Thompson (CA)
Farr	McNulty	Thompson (MS)
Filner	Meehan	Tierney

Towns	Wasserman	Welch (VT)
Udall (CO)	Schultz	Wexler
Udall (NM)	Waters	Wilson (OH)
Van Hollen	Watson	Woolsey
Velázquez	Watt	Wu
Visclosky	Waxman	Wynn
Walz (MN)	Weiner	Yarmuth

NOT VOTING—26

Brady (PA)	Gingrey	McMorris
Butterfield	Graves	Rodgers
Carson	Hastert	Ortiz
Costa	Hunter	Paul
Cubin	Jindal	Pearce
Davis, Jo Ann	Johnson, E. B.	Radanovich
Engel	Lampson	Rothman
Fattah	McHenry	Tancredo
Franks (AZ)	McHugh	Tanner

□ 1505

Ms. BERKLEY, Mr. COHEN and Mr. JOHNSON of Georgia changed their vote from “yea” to “nay.”

Ms. ROS-LEHTINEN and Messrs. BILBRAY, KIRK, PICKERING, WOLF and GILCHREST changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. WU. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, yeas 23, not voting 24, as follows:

[Roll No. 301]

AYES—385

Abercrombie	Braley (IA)	Davis (KY)
Ackerman	Brown (SC)	Davis, David
Aderholt	Brown, Corrine	Davis, Lincoln
Alexander	Brown-Waite,	Davis, Tom
Allen	Ginny	Deal (GA)
Altmire	Buchanan	DeFazio
Andrews	Burgess	DeGette
Arcuri	Buyer	Delahunt
Baca	Calvert	DeLauro
Bachmann	Camp (MI)	Dent
Bachus	Cannon	Diaz-Balart, L.
Baird	Capito	Diaz-Balart, M.
Baker	Capps	Dicks
Baldwin	Capuano	Dingell
Barrow	Cardoza	Doggett
Bartlett (MD)	Carnahan	Donnelly
Barton (TX)	Carney	Doolittle
Bean	Carson	Doyle
Becerra	Castle	Drake
Berkley	Castor	Dreier
Berman	Chabot	Edwards
Berry	Chandler	Ehlers
Biggert	Clarke	Ellison
Billray	Clay	Ellsworth
Bilirakis	Cleaver	Emanuel
Bishop (GA)	Clyburn	Emerson
Bishop (NY)	Cohen	Eshoo
Bishop (UT)	Cole (OK)	Etheridge
Blackburn	Conaway	Everett
Blumenauer	Conyers	Fallin
Blunt	Cooper	Farr
Boehner	Costello	Feeney
Bonner	Courtney	Ferguson
Bono	Cramer	Filner
Boozman	Crenshaw	Forbes
Boren	Crowley	Fortenberry
Boswell	Cuellar	Fossella
Boucher	Culberson	Frank (MA)
Boustany	Cummings	Frelinghuysen
Boyd (FL)	Davis (AL)	Galleghy
Boyd (KS)	Davis (CA)	Garrett (NJ)
Brady (TX)	Davis (IL)	Gerlach

Giffords  
Gilchrest  
Gillibrand  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Hayes  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hobson  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hulshof  
Inglis (SC)  
Inlee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Jones (NC)  
Jones (OH)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Klein (FL)  
Kline (MN)  
Knollenberg  
Kucinich  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.

Lynch  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McIntyre  
McKeon  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Oberstar  
Obey  
Oliver  
Pallone  
Pascarella  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Ross  
Roybal-Allard  
Ruppersberger

## NOES—23

Akin  
Barrett (SC)  
Burton (IN)  
Campbell (CA)  
Cantor  
Carter  
Coble  
Duncan  
English (PA)  
Flake  
Foxy  
Franks (AZ)  
Hensarling  
Johnson, Sam  
King (IA)  
Kingston  
Lamborn  
Mack  
Pence  
Royce  
Sali  
Sensenbrenner  
Shadegg

Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Space  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden (OR)  
Walsh (NY)  
Walz (MN)  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Weldon (FL)  
Weller  
Westmoreland  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (OH)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—24

Brady (PA)  
Butterfield  
Costa  
Cubin  
Davis, Jo Ann  
Engel  
Fattah  
Graves  
Hastert  
Hunter  
Jindal  
Johnson, E. B.  
Lampson  
McHenry  
McHugh  
McMorris  
Rodgers  
Miller (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1513

Mr. KING of Iowa changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 301 on May 3, 2007. It was a vote on H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

If present, I would have voted rollcall vote No. 301, “aye.”

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007, AND H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Mr. WU. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1867 and H.R. 1868, including corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

□ 1515

## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend for yielding, and respond to him that on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules, and we expect to appoint conferees on the fiscal year 2008 budget resolution.

Again, Monday night, we intend to have a motion to go to conference and appoint conferees, so that Members know it will be in addition to suspension bills.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills will be distributed by the end of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. We expect to consider the fiscal year 2008 intelligence authorization bill; the fiscal year 2008 Homeland Security Department authorization bill; H.R. 1873, a bill regarding small business contracting; H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Recognition Act; and a bill to reauthorize the COPS program.

We are still determining which rules and bills will be considered on which days.

Mr. BLUNT. I thank the gentleman for that. I am wondering based on the discussion we had and the meeting we had yesterday, does the gentleman have any sense when we may expect to see some action on the war supplemental?

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. As you know, Speaker PELOSI and Leader REID in our meeting at the White House indicated that it was their intent and their objective to have to the President's desk before the Memorial Day break another bill to fund our troops, and for such other purposes as the bill may include.

In that context, I am hopeful that we will move a bill through this House no later than the 15th or 16th of May. In other words, not next week but the week after. If we can do it next week, we would maybe do it; but it is our intention to move it before the middle of the second week.

Mr. BLUNT. Right. And I think to meet the objective, which I think is an objective we should do our best to meet, of moving that bill before the Memorial Day break and sending it to the President's desk, we almost have to have a bill through the House by the time the gentleman has mentioned.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. I think we agree on that, and that is certainly our objective.

Mr. BLUNT. I hope we can do that. I believe the quicker we can get House action, the better off we will be.

On the budget resolution, I would ask my friend, I understand there is a technical reason that budget resolution may have to come before the House again, and maybe the Rules Committee is even meeting on that right now. Would you explain that to me?

Mr. HOYER. If the gentleman would yield, I am not sure I am accurate because when you say come before the House again, what we will do is take

the Senate bill from the desk, substitute the House language, ask for a conference, move to go to conference, and then you will have in order your motion to instruct conferees. To that extent, the bill will come before us, but only to that extent. In other words, the budget that was passed by the House, we will take the Senate bill from the floor, substitute the House language.

The reason we need a rule, frankly, is we asked unanimous consent to do that procedure, a unanimous consent which we had given to you in 2003 and 2005. For whatever reasons, it was not your personal determination, but it was the determination of your side not to give unanimous consent for that purpose. Therefore, in order to effect that objective, we need to pass a rule to allow us to do that which is what we will do Monday night.

Mr. BLUNT. I would say to the gentleman, there may be a technicality that neither of us understand; I am sure I don't. But I thought there was a technical problem with the budget passed that made it a different situation than the budgets we had passed in the past, and that the clearest way to take care of that procedural mistake was actually to deal with the bill on the floor.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I would.

Mr. HOYER. That is not my understanding. Now the gentleman may have more information than I have, but if that is the fact, I don't have that information. At this point in time, I was not aware of any such problem.

The only problem I was aware of, as I informed the gentleman, we can either do this by asking for unanimous consent to effect the process of taking the Senate bill, substituting the House bill, and then requesting the conference and appointing conferees by unanimous consent. Or, failing to get unanimous consent, we have to do that by rule. We did not get unanimous consent. The Rules Committee met today. We will consider that rule and the bill itself on Monday late afternoon, early evening.

Mr. BLUNT. I would also ask the gentleman, and then we go to conference on the budget after taking what will be a separate vote on the budget?

Mr. HOYER. Yes.

Mr. BLUNT. And all of that would happen on Monday?

Mr. HOYER. Yes, sir.

Mr. BLUNT. I thank the gentleman for clarifying that for me.

On one other topic that may be coming up soon, the whole question of lobbying reform, I have heard that may also be coming up in the near future. Do you have a sense when a lobbying reform bill might be scheduled for the floor?

Mr. HOYER. It will not be this coming week. That is being worked on. We want to make sure that it is a bill which accurately reflects reform and is

workable. That is what we are trying to achieve.

Mr. BLUNT. Is it the gentleman's view that bill will go through a committee process or will it be coming directly to the floor?

Mr. HOYER. It is my view it will go through a committee process. The Judiciary Committee is considering it. Mr. CONYERS' committee is considering it.

Mr. BLUNT. I thank the gentleman for that.

My only other topic, Members, of course get very sentimental about their mothers near Mother's Day, and their wives near Mother's Day. Next Friday, I am hoping we will have an effort to ensure that Members are home for that weekend, and they are, too. We intend to vote Friday. Does the gentleman have a sense yet what the actual Friday schedule might look like in terms of a time away from here on Friday?

Mr. HOYER. If the gentleman would yield, if we have the full cooperation of all those people who have mothers or had mothers, we can accomplish that objective.

Having said that, as you know, I announced we have Friday scheduled as a day for us to do our business. Now if we were extraordinarily fortunate and got our business done by Thursday, or frankly could conclude it late Thursday night, perhaps we would be able to do that. But I do not anticipate that. I know as many Members on my side of the aisle, I want to assure the gentleman, have talked to me, as I am sure Members on your side of the aisle have talked to you about that, and if we can accommodate them, we will. But you heard the schedule. It is a pretty full schedule with a lot of substantive legislation. We have the intelligence authorization and other bills. It is my expectation that we will be in on Friday. But it is also my intent to make every effort to make Friday as short a day as we possibly can. As you know, our objective is no later than 2 p.m.; but if we could do earlier, 12:30, before 1, to accommodate Members and their flights, we certainly would like to do that. I would certainly welcome your help in accomplishing that objective.

Mr. BLUNT. That would be good for our Members to get that done.

One other thing that I would like to bring up, and I know how difficult it is to schedule the floor. Believe me, I know the concerns and criticisms that come from that.

When we were visiting a week ago, I expressed a specific request that as soon as we had an idea when the votes were going to be on Tuesday, we would have more general knowledge of that. At that time, my good friend thought we would vote early afternoon on Tuesday. As it turned out, we didn't actually start the session until noon on Tuesday.

Mr. HOYER. Right.

Mr. BLUNT. That information to our Members a little earlier would have

prevented travel on Monday for people that could have easily gotten here by the time of the Tuesday vote. It is still early in this Congress. I am really not saying that in a way that is critical at all, but at the time, we did ask for whatever knowledge the majority had as soon as possible so we wouldn't run into exactly the situation we did, people getting here thinking there could be votes at 12, only to find out we didn't start any of the work of the House until 12. Whatever it takes to work more closely on that, I am more than happy to try to do so we can get information out. But we can't get it out unless we have it.

I was disappointed we didn't get a little more notice on the time we were going to start work on Tuesday, which would have made it clear we would not be having votes at the time we started.

Mr. HOYER. Let me say, I agree with the gentleman. I was not pleased myself that we did not give more notice to Members. As you pointed out, we had votes very late in the day.

I take full responsibility because I think we may have been able to get, certainly early Tuesday at the latest, information to Members. We probably should have done that.

As you know, the issue was the veto, when it was going to go down there and when it was going to come back. That was not decided until late.

But I think the gentleman's criticism is a constructive criticism, and I take responsibility. We should have done that, in my opinion. I was not pleased, frankly, with myself or with the notice our office gave because we do want to give Members as accurate information as we possibly can. And, frankly, we want to give them as timely information as we can so they can accomplish what you have said, make their schedules comport with what we are actually doing. To the extent that did not happen this time, I will try to prevent it from happening a second time.

Mr. BLUNT. Well, I thank my friend for the spirit of your response. If there is any way we can help you in getting that information to Members more quickly, please call on us to do that.

#### ADJOURNMENT TO MONDAY, MAY 7, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Maryland? There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1530

#### HOUR OF MEETING ON THURSDAY, MAY 10, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, May 9, it adjourn to meet at 9 a.m. on Thursday, May 10.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 10, 2007, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, May 10, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### HOUR OF MEETING ON FRIDAY, MAY 11, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, May 10, it adjourn to meet at 9 a.m. on Friday, May 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### AMENDMENT PROCESS FOR RULES COMMITTEE CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIR- NESS IN CONTRACTING ACT

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, the Rules Committee is expected to meet the week of May 7 to grant a rule which may structure the amendment process for floor consideration of H.R. 1873, the Small Business Fairness in Contracting Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 1:30 p.m. on Monday, May 7. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Com-

mittee on Oversight and Government Reform. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by legislative counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

#### REPORT ON RESOLUTION PRO- VIDING FOR CONSIDERATION OF S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-121) on the resolution (H. Res. 370) providing for consideration of the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ESTONIA STATUE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, I rise to defend the sovereignty and national dignity of our friend and ally, Estonia; condemn Russia's unwarranted intrusions against these free people; and affirm our commitment to America and Estonia's common cause of human freedom.

After a long, illegal and unjust Soviet occupation, Estonia now rightly and proudly stands by our side in the ranks of free nations. Nobly and selflessly, Estonia is steadfast in its defense of civilization from our barbaric enemies, and has championed the cause of human freedom throughout our world. Disturbingly, last week, this free people's very national sovereignty was threatened.

In what should come as no surprise to Americans, whose own founding generation gained their independence from an imperial power, Estonia relocated an aging statue of a Soviet-era soldier from a central location in Tallinn to the city's Garrison Cemetery. Obstinate refusing to recognize Estonia's patent right to do so, or the obvious irony in the statue's new location, Russia used this routine act of municipal administration by the City of Tallinn to engage in a coordinated attempt to interfere in Estonia's internal affairs.

Using state-controlled TV broadcasts into Estonia, the former Soviet Union used its state-controlled television broadcasts to spew propaganda into Estonia. This provocative Russian propaganda falsely claimed Estonia's relocation of the insulting Soviet statue constituted an international crisis. Russia did so to agitate and, thereby, incite the vandalism and violence which occurred in Tallinn from April 26 through 29.

Prior to these outbreaks of violence, Russian embassy officials were observed meeting with the organizers of radical pro-Russia fringe groups; and, while Russian-speaking mobs roamed Tallinn's streets, Estonia's government Web servers came under cyber attack, the cause of which was later traced to IP addresses located in Moscow and owned by the Russian presidential administration.

So, too, there is a new report Russia has conveniently discovered a need to repair its rail links entering Estonia and, as a result, is suspending oil shipments to Estonia.

Further, Russia continues to flout the Vienna Convention by allowing Russian nationalist extremists to surround and vandalize Estonia's embassy in Moscow.

Mr. Speaker, when one weighs this inexcusable incident along with Russia's recent refusal to adhere to the Conventional Forces in Europe treaty, its recent arrest of Russian democracy advocates and its refusal to honor past agreements to withdraw its military forces from countries such as Moldova, one is compelled to question a former KGB lieutenant colonel's commitment to democracy; and whether the red bear is awakening from its hibernation to once again feast upon the free peoples of Eastern Europe and the world.

Mr. Speaker, I urge my colleagues to join in a righteous defense of Estonia's sovereignty; a condemnation of Russia's belligerent intrusions into this democratic nation's internal affairs; and affirm, in the tradition of American Presidents from Harry Truman to Ronald Reagan, we will stand united against tyranny with our Estonian brothers and sisters as one free people.

#### EMERGENCY SUPPLEMENTAL FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I appreciate the opportunity to address the House on the still-critical matter to the recovery of the gulf coast.

Mr. Speaker, yesterday President Bush vetoed the emergency supplemental passed out of this body that would have not only addressed the ongoing situation in Iraq, but would have provided the gulf coast with much-needed financial support and relief that would have allowed recovery and rebuilding to continue in a fairer and more equitable manner.

In doing so, he stated, among other things, that the bill contained things, he said, "billions of dollars in non-emergency spending that has nothing to do with fighting the war on terror." In this, I hope he did not contend that the hundreds of thousands of Katrina and Rita victims that were hit by the gulf coast storms in 2005 and whose recovery still depends on what we do here to a great extent is not an emergency issue.

While the main focus of the spending bill has been on our troops abroad, the bill vetoed yesterday would have done so much for the scores of people dealing with the aftermath of the 2005 storms 19 months later. Nineteen months after the storms our levees are still not fully repaired. \$1.3 billion for ongoing projects to repair levees and other water infrastructure in the New Orleans area was in the vetoed bill. With the start of the 2007 hurricane season less than a month away, levee repair is an emergency and urgent need.

Dillard University, Tulane University, Southern University and Xavier University were all under water after the storm. Nineteen months later, much of the infrastructure is still undone, and many of their professors are still out of town. The emergency spending bill would have provided \$30 million for our Education Department to provide assistance to institutions of this type and to incentivize the return of professionals to their campuses. It would have given a similar amount of \$30 million for our elementary and secondary schools to incentivize the return of professionals there and to get our schools jump-started where half of them remain shuttered after the storm.

The extension of the \$500 million social services block grant was also in the bill. This would have provided critical funding for social services, including programs for mental health, child welfare, and the treatment of addictive disorders. Thousands of citizens suffering from mental health disorders, drug and alcohol abuse and addiction, and who need care, have nowhere to go. They make our streets unsafe for themselves and for their neighbors.

The SBA is charged with the business of helping our economy recover, yet nearly half of our businesses and 40 percent of the tax base of the city is still not back. The supplemental would have allowed the SBA to use \$25 million in unobligated expenses to cover

administrative expenses relating to the SBA disaster loan program, thereby providing a total of \$140 million in fiscal year 2007 for that account.

The bill would have allowed for the forgiveness of community disaster loans, following this unprecedented devastation of our city government. We now have about 60 percent of our tax base back in place. The city, however, has had to borrow \$250 million, which we cannot pay back. This bill would have permitted forgiveness on those loans as it has for loans in disasters prior to ours.

With 225,000 of our people not back home, living day-to-day in other places, they live in a state of emergency every day without our borders and have done so for the last 19 months.

I realize that negotiations have begun on the new spending bill, but it is imperative that this portion of the bill that we are mentioning tonight, that helps our domestic issues related to Katrina, does not go untouched by this new negotiation. In fact, it remains untouched and must be included in the new spending bill that may be introduced shortly.

In vetoing this piece of legislation and proclaiming the gulf coast as a nonemergency, it is an exercise in unreality. It is no time for us to devise an exit strategy at home from the hurricane victims that are depending on our government to restore their lives. There must be a clear plan to rebuild here at home.

The administration labeled the supplemental unacceptable. Yet, let me remind the administration that it was not an act of God that flooded New Orleans. It was the negligence of the Corps of Engineers, a Federal agency, that drowned our city. It, therefore, is the responsibility of the government, since it broke it, to fix it.

To ignore the ongoing emergency in our area is unconscionable, and I urge this House and all who are watching to insist on the supplemental that we are going to follow with here, that it include continued support for the Hurricane Katrina and Rita victims of our area.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1545

IN MEMORY OF TUSKEGEE AIRMAN 1ST LT. IRA O'NEAL, JR. (RET.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with a heavy heart that I rise today to an-

nounce the passing of a great American, Ira O'Neal, Jr., who happened to be my cousin, one of the original Tuskegee Airmen recently honored with the Congressional Gold Medal here in the Capitol.

Ira O'Neal was born in Phoenix, Arizona, on June 11, 1918. He was drafted into the 1st Army Corps in 1942, where he served in the 42nd Aviation Squadron as a first lieutenant.

In 1948, President Truman issued his famous executive order that racially integrated the military. At the same time that Truman issued his order, the military was moving from a wartime to a peacetime footing. As a result of our Nation's reduced force structure, Ira was one of the many thousands of soldiers who was discharged.

Although Ira had been discharged from the military, he was not deterred from serving his country. In 1949, Ira was able to reenlist in the U.S. Air Force. He proudly served his country until he retired in 1972.

After retiring, he started a security service that contracted with the Watergate apartments. He hired a young man by the name of Wills, who discovered the Watergate break-in. Ira was contacted, and his report started the Watergate episode.

Ira has been a resident of the District of Columbia for 56 years and has always been active in his community. In 2004, he received the Roots in Scouting Award recognizing a lifetime of work with the Boy Scouts of America.

I was honored to be with Ira at the Bolling Air Force Base Officers' Club on March 28 of this year when Kerwin Miller, Department of Veterans Affairs, presented him with a proclamation declaring Tuskegee Airmen Day in Washington D.C.

During the same ceremony, a room at the Officers' Club, the Tuskegee room, was also dedicated. A day later, I was again honored to share with Ira that proud moment at the rotunda of the Capitol when he and the other Tuskegee Airmen received the Congressional Gold Medal, the highest civilian award that Congress bestows.

Mr. Speaker, for his dedicated military service, during and after World War II, and for his ongoing public service on behalf of the District of Columbia, I am proud to acknowledge and to salute First Lieutenant Ira O'Neal's service to his country, his community and family.

May God bless him and rest his soul.

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## IRAQ SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN of Florida) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I would like to begin with a quote from Coretta Scott King: "Struggle is a never ending process. Freedom is never really won. You earn it and win it every generation."

I rise today to talk about one of America's priorities in the emergency supplemental appropriation bill, and that is to fulfill the promise to help rebuild Louisiana and Mississippi from Hurricane Katrina and Hurricane Rita.

In August of 2005, the American people saw something that was hard to believe. They saw a U.S. government that was incompetent, a government that was inept, and a government that did not care about its open people.

Unfortunately, 2 days ago, President Bush vetoed the emergency supplemental bill and showed the American people that things haven't changed. After the President vetoed the bill, he had the audacity to make the following statement: "... the bill is loaded with billions of dollars in non-emergency spending that has nothing to do with fighting the war on terror. Congress should debate these spending measures on their own merits—and not as a part of an emergency funding bill for our troops."

Only two other people in the country believe that we are winning the war in Iraq, by the way. That's President Bush and Vice President CHENEY. The cheese stands alone. The \$1.3 billion for east and west bank levee protection and coastal protection isn't pork. The \$30 million for K-12 education assistance has been debated and has been deemed essential.

The \$25 billion for small business disaster loans will help rebuild; the \$80 million for HUD rental assistance will bring people back home; the \$4.3 billion for FEMA disaster recovery grants is an emergency for our fellow Americans in Louisiana and Mississippi who have been waiting 18 months for you to keep your promise to rebuild Louisiana and Mississippi.

Mr. President, you were wrong to veto this bill. I have been to New Orleans seven times and going back in June. Sadly, every time I look there, it looks like a war zone. It is unbelievable that 18 months have passed and the most basic human needs have not yet been met; 18 months later, and residents are not able to move back. There is still debris everywhere, and people are without electricity 18 months later. The roads are not passable, no clean running water, not enough schools and teachers; 18 months later and no street signs, toxic fumes in the air and not enough police; 18 months later, this is unacceptable.

My colleagues on the other side of the aisle made the statement over and over again about how we should pass a

clean bill. Well, I have been elected 25 years, and I have never seen a clean bill yet. If the President or my Republican colleagues would have done their job 18 months ago, we wouldn't need to have these extra funds in the supplemental bill. It is shameful that the very people who write the checks and pay the taxes in our cities are not given the money they deserve.

I remember the President's press conference in Jefferson Square in New Orleans and his promise to rebuild. His veto showed the American people once again that he has no intention of living up to his promise.

The Democratic majority has done their job. They passed this bill. Sadly, the residents of Louisiana and Mississippi will have to keep waiting on you to remember your promise. The good citizens of Louisiana and Mississippi demand good government. This is responding to the caring, and it is also an example of not just talking the talk, but walking the walk.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## THE IRAQ SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I don't have a vote in the full House, but if I did, I would have voted for the supplemental and for the override of the President's veto. So I am proud that a bipartisan majority voted on my behalf and on behalf of the American public, who do not support the war in Iraq, do not support the surge, and want to see a clear effort to extricate this country from an internal civil war and to bring our troops home.

It is clear to me that, despite the glossed over reports, the surge has done nothing but to cause one of the highest casualty rates in the month that just ended. Although there is no good option, the problems will continue for some time whether we go or leave. It is clear that the Iraqis want us out. It is clear that we lose or disable our own soldiers every day, and that innocent Iraqis are also injured every day that we stay. So the only moral choice is the one embodied in the supplemental and the two votes that have been taken.

I reject the way this supplemental has been characterized. If you listen to the news media, you would think that the nonIraq war items in the supplemental were nothing but pork, used to induce Members to vote on this bill. Nothing could be further from the truth.

In addition to giving the President what he asked for, we have made sure that a number of emergency domestic issues are also addressed. That is what supplementals are for. But let's start with the war, because in addition to fully funding the needs of troops, this bill contains \$450 million for a very important and very much needed post-traumatic stress disorder counseling for our men and women when they come home to help them transition and to help them resume normal lives after being immersed in the caldron of war. We owe it to our soldiers and their families, having borne the bankrupt of this war, to have the help they need when they return.

Traumatic brain injury has been called the signature wound of this war, especially if so many of our soldiers suffer from it after exposure to bomb blast and IEDs. This supplemental includes \$450 million for research into the best treatment and care for those who have to be hospitalized and rehabilitated because of these injuries.

We were all horrified when the problems at the Walter Reed Medical Center and other veterans facilities across the country were exposed; \$20 million is included in the supplemental to address this time-honored facility that is the forefront of care for our war-wounded veterans. There is another \$100 million to ensure that our military, National Guard and Reserve members get timely health care, including mental health care. Once again, we owe it to them to respond with the best possible care that we can give.

This bill also addresses the shamefully long lingering needs from one of the biggest and most tragic domestic crises of our time, when Hurricane Katrina devastated the gulf in 2005, much was promised to those who were left homeless and uprooted in its wake. But, unfortunately, until this bill, not enough has been done. Included in the supplemental is \$1.3 billion for levee protection and coastal system restoration to make them structurally and environmentally safer so that New Orleanians and other gulf residents can resume their lives.

After Katrina schools were devastated. Teachers left. In order for people to move back home, they need to be assured that there will be renewed and revitalized schools for their children's education. The supplemental provides \$30 million for K-12 education to bring those schools back and for recruitment to bring back teachers and other educational professionals back to the city. Some of our universities, like Southern and Dillard, were also damaged by the



storm of the century. There is \$30 million requested in that supplemental to assist them.

The health, housing, small business and community development needs of the gulf are also finally heard and responded to in this measure, with a provision for community disaster loan forgiveness to assist local governments in meeting the needs of their displaced and devastated people.

There is also \$4.3 billion of FEMA disaster recovery grants and a social services block grant extension; \$25 million for small business disaster loans, and \$80 billion for HUD tenant-based rental assistance.

In the area of health care, two great needs are addressed in this bill with \$1 billion to purchase vaccines, emergency vaccines, that would be needed to protect this country in the case of a global flu pandemic; and another \$750 million to make sure that the children's health insurance programs, which cover millions of children in 14 States and some of the territories, will continue uninterrupted.

These are just some of the important areas funded in this bill, and it's why it must go forward. If we don't do it in this supplemental, a measure that is reserved for critical issues like these, it will be difficult, if not impossible, to get them done at all.

The American people are looking at us and wondering if their priorities are our priorities. This legislation demonstrates that we not only know what the priorities are, but that we are ready to stand with them and act on the issues they have told us are important to them.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### A BREAK IN THE PURSUIT OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today the Associated Press reported that in the middle of the Iraq civil war, their parliament will be taking a 2-month break starting in July. While our troops are dying, while they are being wounded, while they are trying to provide security to the Iraqi people, the Iraqi leadership is planning to take 2 months off.

I hope that this does not mean that the Iraqis are giving up on providing a peaceful resolution to this conflict. If anything, the parliament should be rededicating themselves to providing security and hope to the Iraqi people, not taking a break, not letting any hope

for a peaceful resolution slip through their fingers.

Our best hope for peace in the region, actually, will have to come through hard work, through negotiations, through constant attention. Every day we turn a blind eye to the real situation on the ground in Iraq, more people die, more American troops, more Iraqi civilians die. I don't know about anyone else, but this is simply unacceptable to me.

The American people have said again, and they have said again, that they want our troops out of Iraq. This administration must demand that the Iraqi leaders stay in town, stay at the table, and not go on vacation.

After all, how can we stand down if the Iraqis aren't there to stand up?

This is a very serious problem, Mr. Speaker. How can we have a partnership with the Iraqi people, as our administration has promised, a partnership that they say is working to bring peace in Iraq, if half of that partnership goes on vacation?

My position has remained the same from the very beginning: We need to fully fund the withdrawal from Iraq. We need to bring our troops and military contractors home. We need to provide real and reliable health care to our returning troops. We need to work with the international community to provide for a dependable and safe future for the Iraqi people.

The way to bring peace to Iraq is not through building walls around neighborhoods, creating walled-in villages, breaking up lives and breaking up families. The way to bring peace to Iraq is to give sovereignty to the Iraqi people and to have a surge of peaceful negotiations. The only way to bring about peace is to bring our troops home, to empower the Iraqi people to build a future based on hope and equality.

And I ask you, Mr. Speaker, if not now, when?

□ 1600

#### THE PRESIDENT CUT FUNDING FROM THE TROOPS

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, I rise today to express my disappointment and outrage at President Bush's veto of the Iraq War supplemental bill. By vetoing this bill, the President has vetoed the will of the American people, and it is the President who is denying funding for our troops.

The President has vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than the President requested. The President rejected a bill that reflects the will of the American people to wind down this war. The American people sent this message very strongly last November.

By vetoing this bill, Mr. Speaker, President Bush vetoed: One, fully funding our troops, and providing \$4 billion more than the President requested; honoring our veterans by providing \$1.8 billion more for veterans health care. Is \$900 million for treating traumatic brain injury pork? Is \$20 million to repair facilities at Walter Reed pork?

By vetoing this bill, the President has vetoed accountability for the Iraqi Government, and he has vetoed his own benchmarks that he laid out January 10 in his speech to the Nation. Let me quote from that speech.

"A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi Government to the benchmarks it has announced.

"To establish its authority, the Iraqi Government plans to take responsibility for security over Iraq's provinces by November. To give every Iraqi citizen a stake in the country's economy, Iraq will pass legislation to share oil revenues.

"To empower local leaders, Iraqis plan to hold provincial elections next year and allow more Iraqis to re-enter their nation's political light, the government will reform de-Baathification laws and establish a fair process for considering amendments to Iraq's Constitution. America will change our approach to help the Iraqi government as it works to meet these benchmarks."

Mr. Speaker, the supplemental contained these benchmarks directly quoted from the President's speech. So was the President's call for benchmarks a sincere request or what?

Providing the President with a clean supplemental bill simply provides him a blank check for the same failed policies in Iraq he has rejected and vetoed, his own benchmarks, as I simply quoted his speech.

New evidence keeps emerging that clearly points to a new direction in Iraq. Despite the President's constant claims of "progress," the facts are otherwise. The U.S. death toll in Iraq reached 104 in April, making it the deadliest month of the year and one of the deadliest of the entire war.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture. "This is coming undone quickly, and Prime Minister Maliki's government is weaker by the day. The police are corrupt, top to bottom. The oil problem is a huge problem. They still can't get anything through parliament." That is a quote from someone who just went there, Senator CHUCK HAGEL.

Over the weekend, the Special Inspector General for Iraq Reconstruction released his quarterly report and paints a dispiriting picture of our \$20 billion rebuilding efforts. For example, an audit of the facilities in Iraq discovered serious maintenance and operational problems, with seven out of

eight facilities audited. The report concludes that "The U.S. project to rebuild Iraq remains far short of its targets, leaving the country plagued by power outages, inadequate oil production, and shortages of clean water and health care."

Mr. Speaker, it is time to hold the Iraqi Government accountable. This bill's timetable and benchmarks finally hold the Iraqis and the President accountable. As Major General Paul Eaton stated, "This bill gives General Petraeus leverage for moving the Iraqi Government down a more disciplined path laid out by the Iraq Study Group. The real audience for the time-line language is Prime Minister al-Maliki."

Even Defense Secretary Robert Gates has noted that the timetable is helpful and sends a message that "The clock is ticking." Gates said, "The strong feelings expressed by Congress about a timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment." That is Secretary Gates.

This bill represents the views of the American people. The latest CBS News/New York Times poll from April 26: 64 percent of Americans favor a timetable that provides a withdrawal of the U.S. troops from Iraq in 2008.

Mr. Speaker, it is time for accountability. The veto was wrong, and we must stand firm.

#### THE TERRORIST WE CAUGHT BUT WON'T PROSECUTE

**THE SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, next week Luis Carriles is scheduled to stand trial for allegedly lying to immigration authorities when he entered the United States 2 years ago.

Most Americans have probably never heard of Carriles, but everyone should know the real case against him because it shows the double standard of the Bush administration and its so-called commitment to fight terrorism.

Carriles is being prosecuted for an immigration violation in America, but he has been convicted in other nations for acts of terrorism, including the downing of a commercial Cuban airliner over 30 years ago that killed 33 innocent people. He is a wanted international fugitive. The Bush administration knows this, but instead of turning Carriles over to the sovereign Governments of Cuba or Venezuela, as they have asked, we are going to get him on an immigration violation.

Why is the Bush administration handling Carriles in this way? Three letters say it all: CIA.

Carriles was a CIA agent. He was part of the Bay of Pigs debacle, and his fierce opposition to Cuban President Fidel Castro has been reported by the media.

Officially, Carriles left the CIA in the middle of 1976. That is the year that Luis Carriles was convicted in Venezuela of masterminding the downing of the Cuban airplane.

The administration won't reveal what role Carriles played as a CIA agent or what his assignments were. His shadowy connections to the United States Government almost certainly continued after he and the agency parted ways. The media has reported that Carriles helped funnel U.S. supplies to the Contra rebels attempting to overthrow the Sandinista government in Nicaragua in the 1980s.

Carriles himself has personally boasted of a role in the deadly bombings of hotels in Havana, Cuba, in the 1990s. And Carriles was also convicted in Panama in the year 2000 for a plot to assassinate Fidel Castro. He was sentenced to prison, but he was later pardoned and set free.

You would think that capturing a man like this would have the administration calling a news conference to declare their success in the war on terror with a long-sought terrorist in custody. Not so. Instead, the administration is busy trying to get a court to bar him from testifying about what he did for the CIA. Carriles' lawyers have said his client will talk about that, and the assignments during and after his official employment. One of the CIA directors during the time of Carriles' connection to the agency was former President George H. W. Bush, the President's father.

The American people have a right to know what really happened in the 1970s and what role, if any, the United States played in the deadly games of Carriles. Was he a rogue agent or was he acting on CIA orders?

The Cuban Government wants him, but we are not talking to Havana as long as Castro is alive and in power. Venezuela, which has an 80-year-old extradition treaty with the United States, has repeatedly asked for Carriles. But the President isn't talking to Venezuela, either, so those requests have been denied.

The U.S. Customs and Immigration Service says Carriles poses a significant danger to our Nation, but the U.S. Justice Department just hasn't acted.

In a recent editorial that I submit for printing in the RECORD, the Los Angeles Times described Luis Posada Carriles as "the Zacarias Moussaoui of Havana and Caracas." The Times points out that Moussaoui is serving a life sentence without parole for his role in the 9/11 attacks, but Carriles was released on bail and is living at home in Miami, with his family, awaiting trial next week. The U.S. is holding a person convicted of major terrorist acts in other countries, but he is going to be prosecuted for an immigration infraction. That is like bringing Osama bin Laden in and trying him for a traffic ticket.

The moral compass of the Bush administration is just spinning round and

round over the treatment of Posada Carriles. Next week it is going to stop on a new direction: H, for hypocrisy.

[From the LA Times, Apr. 20, 2007]

**A TERRORIST WALKS: LUIS POSADA CARRILES HAS BOASTED OF BOMBING HAVANA HOTELS, YET AMERICAN JUSTICE LETS HIM GO FREE**

With a misguided decision upholding bail for Cuban-born terrorist Luis Posada Carriles, the U.S. 5th Circuit Court of Appeals in New Orleans has done more than free a frail old man facing unremarkable immigration charges. It has exposed Washington to legitimate charges of hypocrisy in the war on terror.

By allowing Posada to go free before his May 11 trial, the court has released a known flight risk who previously escaped from a Venezuelan prison, a man who has boasted of helping set off deadly bombs in Havana hotels 10 years ago and the alleged mastermind of a 1976 bombing of a Cuban airplane that killed 73 people. Posada's employees confessed to the attack, and declassified FBI and CIA documents have shown that he attended planning sessions.

In other words, Posada is the Zacarias Moussaoui of Havana and Caracas. Moussaoui is serving a life sentence without parole in a federal prison in Colorado for conspiracy in the 9/11 attacks; Posada is free to live in Miami.

Posada, a 79-year-old Bay of Pigs veteran who served time in Panama for plotting to kill Fidel Castro, has never been charged with crimes of terrorism in U.S. courts. Instead, Immigrations and Customs Enforcement nabbed him for lying to immigration authorities after he sneaked in the country in March 2005 and held a news conference announcing his triumphant return. Both Customs and the Justice Department lobbied to keep Posada behind bars, but U.S. law enforcement has never shown a strong interest in trying him for more serious crimes. In turn, Posada's lawyer has preemptively warned that if charged, his client would likely reveal extensive collaboration with the CIA.

The United States keeps 385 suspected terrorists imprisoned in Guantanamo Bay, many in isolation and all without U.S. norms of due process. Yet Posada, a confessed terrorist, is sent home with an ankle bracelet.

The United States has not been able to persuade any of seven allied nations to accept Posada. A federal judge has ruled that he can't be extradited to Cuba or Venezuela because he might be tortured. The best solution would have been for the court to refuse bail until trial while the State Department keeps searching for a third-party country that would agree to try him on terrorism charges.

Instead, Castro receives a propaganda victory gift, the White House has its moral authority undermined and the victims of Carriles' alleged crimes see justice delayed once more.

The U.S. government has done many odd things in 46 years of a largely failed Cuba policy, but letting a notorious terrorist walk stands among the most perverse yet.

**THE SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## IRAQ WAR SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I rise today to speak to the issue of the Iraqi supplemental that we are currently about to redo.

As you know, Mr. Speaker, the President in his regional message indicated that the bill "is loaded with billions of dollars in nonemergency spending that has nothing to do with fighting the war on terror." He went on to say that Congress should debate these spending measures on their own merits and not as a part of an emergency funding bill for our troops.

Mr. Speaker, for 19 months now, we have been trying to get this administration to pay attention to the people on the gulf coast. We have for weeks and months been trying to get the President to support our efforts to make sure that many of the families and friends of our troops, who have been affected in Louisiana, Mississippi, and even in Florida and Texas by this catastrophic event perpetrated by Hurricanes Katrina, Rita, and Wilma, get help. Today, we have not been able to get the President to support our efforts as we have tried to address these emergencies.

And so, Mr. Speaker, since we are doing an emergency spending bill, we thought it very appropriate for us to do both international and domestic emergencies all in one piece of legislation. Consequently, we have moved in this legislation to address issues such as the East and West Bank Levee Protection and Coastal Restoration System in New Orleans and the surrounding parishes by inserting into this legislation \$1.3 billion. We have added another \$30 million for K-12 education recruitment assistance, another \$30 million for higher education assistance.

I plan to be in Baton Rouge next week to address Southern University's commencement exercises. I would hope that, as I go there, I can carry them more than mere promises to get them to feeling, once again, that we in this body are paying attention to and responding to the problems that they are suffering, many of them having lost a full year out of their educational pursuits.

I would hope that those children in K through 12 can begin to feel that here in this Congress, with this emergency supplemental, that we are going to respond to them as well.

And then there is the Community Disaster Loan Forgiveness Program. We have put language in this bill to address that issue, \$4.3 billion for FEMA disaster recovery grants. These State and local grants will be waived, meaning that the Federal Government will be able to finance 100 percent of the grants.

We have been trying for a long time now to get this administration to treat the victims of Katrina, Rita and Wilma

in the same way we treated disasters after 9/11 in New York, the same way we treated the earthquakes in California, the same way we treated the Hurricane Andrew down in Florida some years ago and Hurricane Anika out in Hawaii. In each one of those instances, we waived matching requirements. In this instance, we have not. And so we want, in this administration, to waive those requirements of the Stafford Act, the matching requirements, so that we can begin to address these emergencies.

There are other emergencies that we plan to address here, and that is the Children's Health Insurance Program. We think, with 14 States out of money, another 3 States expected to be out of money by September 1, it is an emergency for the children in those 17 States, and I would hope that when we put the final bill together to send back to the President, we will address these emergencies that we have with our people here at home.

□ 1615

## REPUBLICAN STUDY GROUP

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I thank the Minority Leader for affording not only myself, but other members of the Republican Study Committee, the House conservative caucus on the Republican side of the aisle, the opportunity to take advantage of these opportunities on the House floor periodically in the form of a Special Order.

While I come to the floor today with the objective, Mr. Speaker, of addressing this week's momentous events concerning the President's second veto in the history of this administration and the war supplemental bill, I wanted to also speak about an issue that House conservatives have been heard on and have been active on in the course of this week, and it has to do with today's passage, by a vote of 237-180, of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. This legislation passed the House today, but not without the strenuous opposition of both the Republican Study Committee, and virtually all of its members who represented a lion's share of the 180 Members who opposed this legislation.

And to lead is to be misunderstood. And it is very likely, Mr. Speaker, that both yourself and maybe others that might be looking in would question why anyone would oppose hate crimes legislation. And I thought I might, before I move on to the attendant topic of the day, address the concerns that House conservatives had with this legislation and why, last night, with the leadership of our caucus chairman, JEB HENSARLING of Texas, and with the support of myself as a former chairman of

our caucus, Mrs. SUE MYRICK of North Carolina, a former chairman of our conference, and JOHN SHADEGG of Arizona, we urged the President of the United States to issue a veto threat of this hate crimes legislation, which he did so earlier today by way of a statement of administration policy.

So let me speak to our concerns about this bill before I move on to the topic of the Iraq supplemental. Thomas Jefferson said, famously, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative power of government reach actions only, and not opinions," Jefferson went on to say, "I contemplate with sovereign reverence that the act of the whole American people which declared that their legislature shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state."

Again, Thomas Jefferson, framing, as perhaps only he in American history could, the issue that grounded conservative concern in the hate crimes legislation today, that legislative powers of government should reach actions only and not opinions, and then reflected on that as the core central logic behind the first amendment protections of the freedom of religion.

In the case of the Local Law Enforcement Hate Crimes Prevention Act, we did not meet that standard today, Mr. Speaker. I believe this legislation was bad public policy, and unnecessary, and many House conservatives in the Republican Study Committee agreed.

Violent attacks on people or property are already illegal, regardless of the motive behind them. And there is no evidence presented on the floor today or before the Judiciary Committee, on which I serve, that underlying violent crimes at issue are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws truly serve no practical purpose and instead serve to penalize people for thoughts, for belief, for opinions.

Now, let's grant the point. Some thoughts, beliefs and opinions, like racism or sexism are abhorrent, and I disdain them and condemn them. However, hate crimes bills, as the one we passed today, are broad enough also to include legitimate beliefs, and protecting the rights of freedom and speech and religion must be paramount in cases like the bill we consider today.

The first amendment to the Constitution provides that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

Now, America was founded on the notion that the government should not interfere with the religious practices of its citizens. Constitutional protections for the free exercise of religion are at the very core of the American experiment in democracy.

But what does that have to do with the hate crimes bill? Well, there is a real possibility that this bill, as written, religious leaders or members of religious groups could be prosecuted criminally, based on their speech and protected activities under conspiracy law or section 2 of title XVIII, which holds criminally liable anyone who aids, abets, counsels, commands or induces or procures its commission, or one who willfully causes an act to be done by another.

In the debate in the Judiciary Committee, much was made of the fact that there was an amendment adopted by my friend and colleague, Mr. DAVIS of Alabama. But that amendment did not go far enough in making it clear that this bill would not limit religious freedom. The sponsor of the amendment even admitted in open markup testimony before the committee, that a pastor could, theoretically, still be targeted under the bill for incitement of violence for simply preaching his religious beliefs having to do with moral issues related to life or family or sexual preference.

For example, if a pastor included a statement in a sermon that sexual relations outside of marriage are morally wrong, and even quoted the Bible to make that point, and then a member of perverse intention in that congregation caused bodily injury to a person having such relations, that sermon could be used as evidence against that pastor.

Now, the real world effect of this, in addition to the possibility of prosecution, is the much greater and geometric possibility of a chilling effect. Putting a chill on pastors' words or religious broadcasters' programming or an evangelical leader's message, or even the leader of a small group Bible study is quite simply a blatant attack on the constitutionally guaranteed right to freedom of religion.

Now, last week, when the Judiciary Committee took up the bill, I offered an amendment in good faith to make it clear, crystal clear, that this bill would not affect the constitutional right to freedom of religion. The Pence amendment stated plainly, "Nothing in this section limits the religious freedom of any person or group under the Constitution." Unfortunately, the Pence amendment was defeated and rejected by the majority of the Judiciary Committee.

Yesterday, I took another bite at the apple. I submitted the Pence religious freedom amendment to the Rules Committee for consideration. But, again, that committee chose to adopt a closed rule, effectively blocking my amendment and many other good amendments offered for consideration.

Now, I would say very emphatically, we must guard against the potential for abuse of hate crimes laws. And very humbly put, the Pence amendment would have done so by stating once and for all that people and groups will not have their constitutionally guaranteed right to religious freedom taken away,

even as an addendum to or unintentionally as a result of the aiding and abetting clause of current law.

Mr. Speaker, House conservatives rose, as one man and one woman today, in opposition to this legislation. But it did pass. Again, Congress today adopted legislation, 237-180, but not without a fight.

Members of the Republican Study Committee came together late last night, called on President George W. Bush to veto this legislation should it reach his desk. And as I mentioned earlier today, the administration, in no small measure, due to House conservatives and the leadership of the Republican Study Committee, the administration issued a veto threat pertaining to the Law Enforcement Hate Crimes Prevention Act of 2007. They did so as House conservatives did, out of a belief that this bill threatens religious freedom by criminalizing ultimately religious thought.

And I must say before I move to my next topic, it was particularly grievous to many of us that the Democrat majority in Congress chose the National Day of Prayer to bring this bill to the floor; a bill that intentionally or unintentionally, could put in jeopardy the very religious expression that was being celebrated at tens of thousands of locations across the United States today.

I, myself, began my day in the east room of the White House with the President of the United States and religious leaders representing every faith in America to initiate and kick off this National Day of Prayer in, I believe, its 56th consecutive year.

In the ceremonies that took place here just off the Capitol, across the street in the Cannon Office Building, I learned that due to the leadership of Shirley Dobson and the organizers of the National Day of Prayer, by their estimates, there were some 50,000 venues in the United States of America where people were coming together, Mr. Speaker, not for politics, not for the purpose of political demonstrations, not to support one party over another, but as happened in Anderson, Indiana today at City Hall, for the purpose of coming together in prayer, believing that the effective and fervent prayers of a righteous Nation availeth much, believing that our prayers reach heaven and the throne of grace as Americans, by the millions, have believed from the very inception of our Nation.

□ 1630

And again I say I don't believe it was intentional. I would not ascribe this to the Democrat majority. But it was grievous, I can say, to many of us that this legislation, which we believe in our hearts threaten the very fabric of the first amendment, freedom of religion, was scheduled to come to the floor on the National Day of Prayer.

On the floor today, I closed with the thought that on this National Day of

Prayer, we ought to take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience, that we ought to take a stand for religious freedom and the first amendment in opposing the Local Law Enforcement Hate Crimes Prevention Act.

And with that let me yield to the planned topic of the day, and I may well be joined by colleagues on the attendant question that has been the preoccupation of much of official Washington, much of the national media, and, understandably, much of the American people over the last week. It has to do, of course, Mr. Speaker, with the President's decision to exercise his authority in the executive branch under the Constitution to veto legislation delivered to him by the Congress of the United States. This was, in fact, the President's second veto. And today's Republican Study Committee leadership hour was organized to speak to the issue of Iraq and specifically the Iraq supplemental.

It was, as I said, a momentous week. We began with the delivery to the President of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act on May 1. The President very promptly addressed the Nation at the dinner hour and announced his intentions to veto the legislation, just his second veto in the history of the 43rd President of the United States.

The President made his objections clear, that, in effect, he vetoed this legislation because he believed, as I do, as House conservatives do, that the legislation was constitutionally flawed and fiscally irresponsible.

The President made reference specifically to the arbitrary date for beginning withdrawal of American troops without regard to conditions on the ground. He spoke of the effort by Congress, his words now, "to micromanage the commanders in the field by restricting their ability to direct the fight in Iraq." And he also mentioned that this legislation "contained billions of dollars of spending and other provisions completely unrelated to the war."

The President spoke of the precipitous withdrawal from Iraq not being a plan for peace in the region. The mandated withdrawal in the legislation, he argued, would actually embolden our enemies and it could lead to a safe haven for terrorism in Iraq.

The President probably focused most of his objections in his message to the Nation on the micromanagement of the war by Congress. I have said many times on this floor, as many House conservatives have, under the Constitution of the United States, Congress can declare war. Congress can choose to fund or not to fund military operations. But Congress may not conduct war. And in the President's veto message to the Nation, it was precisely that effort by Congress, that constitutional overreach, in his words, to "micromanage"

this war in Iraq that he found most unacceptable. The President would say the legislation is unconstitutional "because it purports to direct the conduct of the operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as commander in chief of the Armed Forces."

In a very real sense this is an issue, Mr. Speaker, that the Founders of this Nation thought about, I would argue, more deeply than maybe any other issue in that balmy summer of 1787. It was the debate over whether or not we want a unified chain of command in the commander in chief, centered in the Presidency, or whether we wanted to risk creating the possibility or the prospect of what our Founders would call "war by committee."

Now, this notion of war by committee was actually something our Founders were fairly familiar with. A very cursory study of the early months of the Revolutionary War, from the signing of the Declaration of Independence in 1776, all the way until that famed Christmas Day, 1776, is a classic case of an American military that is being beaten back, chased out of New York, chased across the Hudson River, chased all the way across New Jersey, and was facing great peril by the time they reached the Delaware. And many would observe, in the years that followed the war during the period of the formation of our constitutional government, that it was precisely war by committee that put our Nation in its nascent days most at risk.

History records that every night General Washington would spend a great deal of his time in his tent in the midst of the war, writing back to Congress, handing letters to couriers to send messages to the Congress to gain specific permission for military operations and appropriations and the conduct of the war. And the Congress was very busy engaging in what our Founders came contemptuously to refer to as "war by committee."

When the Constitutional Convention came around in 1787, it would be precisely that same generation of Americans that would say "no," we want a unified chain of command, we want to vest in the President of the United States the ability to conduct war as the commander in chief.

And I think singularly the President's objection is grounded there, with the slight addition of some more than \$10 billion in additional spending that has nothing whatsoever to do with the conduct of the war in Afghanistan, Iraq, or, to that end, the conduct of the War on Terror.

House conservatives in the past have opposed war supplementals on the grounds that war spending bills ought to be about war spending and emergency war spending bills ought to be about emergency war spending. And the addition of funding, which the President described as "billions of dollars of spending and other provisions"

that are "unrelated to the war," are not an emergency and are not justified was altogether appropriate, in our judgment. The President said emphatically that "Congress should not use an emergency war supplemental to add billions in spending to avoid its own rules for budget discipline and the normal budget process," and House conservatives agreed.

We were pleased to see the President veto this legislation, because House conservatives and the Republican Study Committee and, for that matter, virtually all House Republicans believed the bill, as the President found it, was constitutionally flawed and fiscally irresponsible. We would vote in a matter of a few legislative hours later to sustain the President's veto and facilitate a meeting that took place just yesterday, I believe, Mr. Speaker, between the leaders of the House and Senate in Congress and the President. And it seems to me that it was a pivot point in the debate, and I want to shift some of this conversation today to the same kind of pivot point.

While, frankly, Democrat leaders emerged from the West Wing speaking very little about compromise and it seems like the rhetoric of the Senate majority leader as well as the Speaker of the House centered around the phrase "end the war," that their objective remained to be end the war, it would be President Bush in the Cabinet room who struck a more conciliatory tone. And I commend him for it.

The President said, and I am quoting now, "Yesterday was a day that highlighted differences. Today is a day where we can work together to find common ground." And I believe House Republicans would share the President's sentiment that we can and should move forward to find common ground; not to compromise on those principles of constitutionality and fiscal discipline that the President articulated and we fully support, but to look for ways that we can ensure that these resources reach our troops in a timely way without strings attached and without fiscally irresponsible spending. And to that end, we will work and labor in the days ahead.

My personal hope and ambition, Mr. Speaker, is that before we return home for Memorial Day, before we return home to that day where we remember those who did not come home, that we would be able to speed the resources to our soldiers in the field in Afghanistan and Iraq without unconstitutional strings and without additional and unnecessary spending.

But there is one other reason why I believe it is imperative that we provide these resources to our troops in the field, and it has not been highlighted as much I believe as it should, but it has been a point that I have felt a burden about ever since my return from Iraq just shortly 1 month ago. I began the month of April in a delegation that took me literally into the heart of Baghdad and to Ramadi and to Tikrit.

We met with General David Petraeus and learned a great deal about the beginnings of modest progress on the ground in Iraq. And so I would posit at the beginning of the balance of my time to suggest that the President was right to veto this legislation because it was constitutionally flawed. The President was right to veto this legislation because it was fiscally irresponsible. But I also believe the President was right to veto this legislation and Congress would be right to find a way to deliver these funds to our troops because we are beginning to see evidence that the surge, that our new strategy, that our new diplomatic initiatives in the region are just beginning to take hold; and now is not the time for us to reverse course and to embrace the objective of those who would say the American people, whatever the circumstances on the ground in Iraq, apparently, want us to end the war.

In my district I would say with confidence, the constituents of eastern Indiana want our troops to come home, but they want us to win and come home, and more importantly, they want freedom to win in Iraq and then bring our soldiers home.

And let me say that despite a recent wave of insurgent bombing, this war in Iraq is not lost. In fact, because of the President's surge, because of the brave conduct of U.S. and Iraqi forces on the ground in Baghdad, we are beginning to see the evidence of modest progress in Iraq. Let me say emphatically Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers that are now spread throughout the capital city of Baghdad.

I had the opportunity, Mr. Speaker, of visiting one of these joint operating centers across the river from the Green Zone right in the heart of downtown Baghdad. These facilities represent a sea change in the strategy of U.S. and Iraqi forces in the capital city of Baghdad. The very essence of the surge, first recommended, of course, by the Iraq Study Group on page 72 of the publication that is available for most Americans, the very centerpiece of this surge was not that we could deal with the instability in Iraq strictly with a military solution but, rather, as the Iraq Study Group recommended and the President ultimately embraced, that we could increase forces in the city of Baghdad temporarily to quell violence in Baghdad, to create a sufficient level of stability in the capital city to allow the political process of reconciliation, de-Baathification, and oil agreement and the diplomatic process in the region to take hold. That is the essence of the surge.

Now, to make that possible, as General Petraeus described to me walking down the streets in Baghdad, our strategy now is different from the strategy we have employed the last 3 years. In Baghdad, rather than sending our troops out on patrols, confronting the enemy, and returning to our base installations, now we move into areas

with sufficient forces to clear areas, to hold areas by establishing joint operating centers where U.S. and Iraqi forces live together, and then investing the resources to build up those areas and add further security.

As I said, Baghdad is not safe, and it was not safe the day we were there. But it is safer because American and U.S. forces are beginning to move into these areas, again, more than two dozen of these joint operating centers. Once areas have been cleared in house-to-house searches, clearing out weapons caches, arresting and confronting dangerous insurgents and al Qaeda, then U.S./Iraqi forces move into those joint operating centers and live there and patrol those areas 24/7. U.S. forces actually stay at the joint operating centers, bunking in with Iraqi forces.

One of the more moving moments for me on our tour of Baghdad 1 month ago was walking into the bunkerhouse with both U.S. and Iraqi military on either side of us and then being told by U.S. commanders on the ground that they had offered the Iraqis, out of sensitivity to their different religious traditions and observances, to build separate sleeping quarters for the U.S. forces and the Iraqi forces.

□ 1645

And it was the Iraqi forces that said absolutely not, that now you've got bunkhouses, which are really pretty informal, just bunk beds kind of slapped together in wood frames the way you would see at almost any military installation. And U.S. and Iraqi forces are bunking in together. They are deploying together. And the result of that is that sectarian violence in Baghdad has been reduced in some neighborhoods of Baghdad by a very significant amount.

Again, let me say again, because I have demonstrated in the past the capacity to be misunderstood; Baghdad is not safe, but it is safer, I believe, because of the surge of U.S. forces into the neighborhoods of the capital city and the establishment of more than two dozen joint operating centers where U.S. and Iraqi forces are working together to confront al Qaeda and insurgents and to quell violence in the capital city.

There has also been another significant development that argues against reversing course, or to borrow the phrase of some leaders in the majority, "just ending the war" at this point, and that is specifically in western Iraq, what is known as the al Anbar province, which is known as Ramadi.

Now, I stood at the grave site of an Indiana soldier; I stood and prayed with his parents. He fell on the streets in combat in Ramadi some 2 years ago. It's extraordinary the difficulty U.S. forces have faced. The Marines have been in Ramadi for a number of years. It has been one of the most deeply compromised cities in Iraq. Ramadi is, in effect, the upscale Sunni city in Iraq. During the era of Saddam Hussein,

those who did not live in the highly fortified Green Zone in downtown Baghdad lived in upscale Sunni neighborhoods in Ramadi.

And so one can imagine that al Qaeda and the insurgency, in efforts to resist the al Maliki government, their violence would be centered on the streets of Ramadi. And that has absolutely been true until very recently.

Things have changed in al Anbar province and Ramadi. Even *The New York Times*, perhaps one of the harshest critics of the war in Iraq, I think it was Sunday morning, this last weekend, depicted a huge front page story about the change in al Anbar province. And I would like to say, and I will say that the presence of U.S. Marines, under the command of General Odierno on the ground in Ramadi, have played a vital role in the precipitous decline of al Qaeda and insurgent violence in Ramadi and in al Anbar province. But General Odierno and the others would be quick to say that the real difference that has been made has been because the Sunnis themselves, Iraqi tribal leaders, 20 out of the 22 tribes have stepped forward now and initiated what has been called the "Iraq Awakening Movement."

During my trip to Ramadi just one month ago, I had the privilege of meeting with Sheikh Sattar, a compelling and impressive man. His father was killed by al Qaeda in Ramadi. His two brothers were killed by al Qaeda in Ramadi. And Sheikh Sattar, who presumably had had very little interest in becoming involved in the new government in Baghdad, Sunnis, if you will recall, had largely not participated in the national referendums and elections that have taken place, it would be Sheikh Sattar who would go to the Marine Corps base several months ago in Ramadi and say, I'm done with al Qaeda and I'm done with the insurgency, how can I help.

And Sheikh Sattar has now organized this Iraq Awakening Movement. To be specific, 22 of the 24 Ramadi area tribes are now cooperating with coalition forces, U.S. and Iraqi forces. And the decline in violence in Ramadi is that U.S. troops have established four bases, along with 40 joint security stations and observation posts throughout the city of Ramadi where they work and deploy and live alongside Iraqi soldiers. There are also 23 police stations in the city and in the surrounding area, as has been reported in the media in recent days.

Al Anbar province is not safe, but significant progress is occurring because the tribal sheiks have begun cooperating with American and Iraqi forces to fight al Qaeda, providing intelligence. And we are beginning to see a significant shift in al Anbar province. And I cite no further than the front page of *The New York Times* that actually had what I found to be a deeply moving photograph above the fold that showed a city where there has been war for some time.

The rubble of war shown along streets and torn asunder buildings, but there walking on the street were people and couples and children. And I caught sight of people on bicycles. When I was in Ramadi, we were presented with information of areas that had been protected from suicide bombs and car bombs, where soccer fields had opened back up. Children were returning to the streets.

Al Anbar province is changing. Is it safe? No. But is it improving? Yes. And the truth is that the progress that we're making on the ground in Baghdad, the modest progress demonstrated in the reduction of sectarian violence in the capital city, and what appears to be the beginnings of a sea change in the entire western half of Iraq, including in what was a war-torn city of Ramadi, give me hope. In fact, I characterized in an editorial in *USA Today* that what we saw a month ago in Baghdad could be evidence of just the sprouting of a springtime of hope in Iraq.

Let me say with confidence, Mr. Speaker, I know there is great frustration in this Congress and there are profound visions in this Congress over the role of this institution in developing policy in Iraq, and we will continue to have those arguments. But I would defy anyone to prove to me that there is one single Member of Congress who would like to see freedom lose in Iraq. I don't accept that.

Some may have come to the conclusion that freedom has lost and it can't be saved. I disagree with that. I don't believe freedom is lost. I don't believe the war is lost. But I believe in their heart of hearts, even the most hard-over opponent of continued U.S. involvement in Iraq who serves in this Chamber does not want to see freedom lose.

So I come to the floor today on behalf of the Republican Study Committee, on behalf of my own franchise in Congress, to essentially just suggest that there are many good reasons why the President vetoed the war supplemental this week. Number one, it's constitutionally flawed. It's simply wrong for Congress to place arbitrary timelines for withdrawal, to tie the hands of commanders on the ground, to engage in the kind of micromanagement that is beyond the purview of the Constitution of the United States. Congress can declare war; Congress can choose to fund or not to fund war; but Congress cannot conduct war. And that was reason enough for the President of the United States to veto this bill.

The bill was also fiscally irresponsible. We ought to ensure that war spending bills pertain exclusively to war spending. And particularly emergency war spending bills ought to be emergency war spending and not domestic projects that should be dealt with in the regular budget process.

The third thought I had today was simply to say that we ought to now find a way to come together, without



compromising core principles on either side of the aisle, we ought to find a way to come together to get our troops the resources they need to get the job done, because the unspoken fact this week, in the midst of a lot of political conflagration and argument, is the fact that, as General David Petraeus told us here on Capitol Hill last week, there is evidence that the surge, and there is evidence that because of Sunni leadership, tribal leadership in al Anbar province in Ramadi, there is evidence that Iraq is beginning to make modest progress toward exactly the kind of stability that will make possible the political progress and the diplomatic progress that are the real long-term answer here.

Let me emphasize that point one more time. I don't think there is a military solution in Iraq; we simply cannot surge troops to the four corners of Iraq. That is not the President's plan. It would not be workable in any event. I believe the President's plan is sound, to surge troops into the capital city to quell violence sufficient to give the al Maliki government in Baghdad the credibility to move a de-Ba'athification agreement, to move an agreement for sharing the revenues of oil proceeds with all of the people in Iraq on an equitable basis, to move new provincial elections, including in al Anbar province, where many of the Sunni leaders that we met with had expressed an interest in participating in provincial elections, should they be scheduled in the next month or two. But it is that kind of political process that will encourage ownership by Iraqis in this new constitutional republic that will be the real victory for freedom.

As the President said this week, we cannot define success in Iraq as the absence of violence. The day that freedom wins, whatever that day would be, the day that we can know with a moral certitude that this new democratically elected government in Iraq is able to defend itself, able to defend its people, the day we have the moral certitude that they can do that and we can begin then to come home in good conscience, there will likely be insurgent and al Qaeda violence taking place somewhere in Iraq. Therefore, we cannot define victory as the absence of violence, but we can define victory as the presence of a stable democratic, constitutional republic that can defend itself. And that, it seems to me, beyond the issues that the President raised when he vetoed the legislation, is the most compelling argument for finding a way forward, finding the common ground necessary to get our soldiers the resources they need to get the job done and to come home safe.

This is a tough time in Iraq. General Petraeus told me on the ground in Baghdad a month ago, he told Members of Congress gathered in a bipartisan briefing last week that there are difficult days ahead, that there is no guarantee that the surge, which seems

to be beginning to take hold in Baghdad, will ultimately succeed. But it seems to me the fact that, despite the recent wave of insurgent bombings, or the fact that sectarian violence is down in Baghdad, the fact that Ramadi and al Anbar province appears, because of Sunni Iraqi leadership and U.S. and Iraqi forces, al Anbar province appears to be taking a turn for the better, however modest, that that argues for us finding a way forward, finding common ground where we can give our soldiers the resources they need. Because in Baghdad, despite the recent bombings, sectarian violence is down.

Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers in that capital city, more than 40 joint operating centers now spread throughout Ramadi, and the fact that in al Anbar province, more than 20 Sunni sheiks across the region have united together to oppose insurgency and al Qaeda.

□ 1700

This war is not lost. Congress should find the common ground necessary to give our soldiers the resources they need to get the job done, to stand up this government, to ensure this new democracy in Iraq can defend itself, and then lay the framework for us to come home.

Mr. Speaker, I thank you for this time. It is my fondest hope that what the President called us to in his remarks from the Cabinet room this week will characterize much of the debate between now and Memorial Day, and I want to quote his words again. The President, in thanking the leaders for coming down, said, "Yesterday was a day that highlighted differences. Today," he said, "is the day when we can work together to find common ground." But he also added, "It is very important we do this as quickly as we possibly can." And he expressed confidence that we can reach agreement.

I will close with that, Mr. Speaker. I truly believe in all my heart that it is possible for a majority of this Congress to come together in a manner that we can deliver to our soldiers the resources that they need within a constitutional framework that doesn't intrude on the President's role as commander in chief, in a way that reflects fiscal discipline and in a way, also, that continues to provide the resources that if, in fact, the modest progress we are beginning to see continues to widen through the summer, that we, in fact, provide the resources for an expanding success for the surge, an expanding success for Iraqis stepping forward to oppose al Qaeda and insurgency in Al-Anbar, and ultimately a success for freedom in Iraq. I am confident of this, I am confident the common ground is there; and it will be my hope and my prayer and my pledge to work with colleagues on both sides of the aisle to accomplish just that.

On behalf of the Republican Study Committee and our many members, I

thank you, Mr. Speaker, and I thank the Republican leadership for yielding us this hour.

#### WORLD PRESS FREEDOM DAY

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHIFF. Mr. Speaker, today is World Press Freedom Day, a day that the international community has set aside to honor the work and sacrifice of journalists around the world.

World Press Freedom Day was first designated by the United Nations Educational, Scientific, and Cultural Organization in 1991 as an occasion to pay tribute to journalists and to reflect upon the role of the media in general in advancing fundamental human rights as codified in international law, regional conventions and national constitutions.

The Universal Declaration of Human Rights, which is the foundation of the postwar human rights movement, states the principle broadly in article 19. "Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." It may not be as eloquent as our first amendment, but its effect is the same.

For Americans, this day should spur us to consider the role that journalists play in our society and to ponder what our Nation would be like if this cornerstone of our liberty were to be curtailed.

Although most Americans take the concept of a free press for granted, I believe that an unfettered press is vital to America's national security and to our democracy here at home.

A year ago today, my colleague from Indiana, Mr. Spence, and Senators CHRIS DODD and RICHARD LUGAR joined me in launching a new bipartisan, bicameral caucus aimed at advancing press freedom around the world. The Congressional Caucus for Freedom of the Press creates a forum where the United States Congress can work to combat and condemn media censorship and the persecution of journalists around the world. The launch of this new caucus sends a strong message that Congress will defend democratic values and human rights wherever they are threatened.

In launching the caucus, we were encouraged by the wide range of organizations and individuals, such as Reporters Without Borders, Freedom House, the Committee to Protect Journalists, Musa Klebnikov, the widow of Paul Klebnikov, the editor of Forbes Russia, who was shot to death outside of his offices 2 years ago, and the legendary Walter Cronkite, all of whom enthusiastically endorsed our effort.

Freedom of the press is so central to our democracy that the Framers enshrined it in the first amendment of our Constitution. At the time, there was little in the way of journalist ethics, and newspapers were filled with scurrilous allegations leveled at public figures. Even so, our Founders understood its importance to advancing the new Nation's experiment in democracy.

In the Virginia Report of 1799-1800, touching the alien and sedition laws, James Madison wrote that, "Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States that it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigor of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression, who reflect to the same beneficent source. The United States owes much of the lights which conducted them to the rank of a free and independent nation and which have improved their political system into a shape so auspicious to their happiness."

Throughout much of our history, Madison's argument has guided our national attitude toward the media. Journalists have jealously guarded their rights, and American courts have, in the main, carved out broad protection for the press. In the United States, the press operates almost as a fourth branch of government, the fourth estate, independent of the other three and positioned as an agent of the American people.

From the pioneering work of journalists during the Civil War, to the muckrakers who were committed to exposing social, economic and political ills of industrial life in the early 20th century, to the publication of the Pentagon Papers by The New York Times in 1971, to the work of Washington Post reporters Bob Woodward and Carl Bernstein in uncovering the Watergate scandal a year later, journalists have performed a crucial role as the watchdogs of our freedom.

But in order for freedom of the press to do its work properly, it must be unfettered, and journalists must be able to do their work without fear of retribution. Information is power, which is precisely why governments, many of them, attempt to control the press to suppress opposition and to preempt dissent. Far too often, reporters and editors who seek to demand reform, accountability and greater transparency find that their livelihoods and even their very lives are in danger. The censorship, intimidation, imprisonment and murder of these journalists violate not only their personal liberty, but also the rights of those who are denied access to these ideas and information.

The United States, as the world's oldest democracy and the greatest champion of free expression, has a special obligation to defend the rights of journalists wherever and whenever they are threatened. A free press is one of the most powerful forces for advancing democracy, human rights and economic development. So our commitment to these larger objectives requires active engagement in the protection and the promotion of this freedom.

These are difficult and dangerous days for reporters around the world. According to the New York-based Committee to Protect Journalists, 56 journalists were killed in the line of duty in 2006, most of whom were murdered to silence or punish them. The toll was 9 more than the 47 journalists killed in 2005, just the year before, and well above average for the last 2 decades of reporting. Another 30 reporters were killed, but law enforcement authorities cannot confirm that their deaths were the result of their work.

Outright murder is not the only tool that the authorities use to silence reporters. As of December 1, 2006, 134 journalists were imprisoned around the world as a consequence of their work. Of these, more than 100 were held by only five countries: China, Cuba, Eritrea, Ethiopia, and Burma.

These countries which imprison journalists for straying beyond the bounds of official censorship are not the most dangerous for journalists, however. Since 1992, more journalists have been killed in Iraq, Algeria, Russia, Colombia and the Philippines than anywhere else.

We are all familiar with the dangers inherent in covering war and insurgencies, and many of those killed in Iraq, Algeria and Colombia have died covering conflicts in these countries. In the Philippines, the murder of journalists has been part of a larger campaign against perceived left-wing activists.

But it is Russia, where more than 20 journalists have been murdered in 6 years since Vladimir Putin succeeded Boris Yeltsin, that we wish to address this evening.

All alone among the top five countries where journalists are murdered, the deaths of journalists in Russia seem to be part of a concerted effort to silence the few remaining journalists who refuse to tow the Kremlin line. China, Cuba and others have been rightly condemned for imprisoning journalists who raised the ire of their governments. Moscow seems to have taken a different tack. Instead of censoring jailing journalists it doesn't like, the Kremlin seems to look the other way when they turn up dead.

There is no direct evidence tying the Putin government to the murder of journalists in Russia, but there is a wealth of circumstantial evidence pointing to at least acquiescence in the death of journalists.

The number of journalists killed, the circumstances of their deaths, the sto-

ries they were working on, and perhaps most telling, the fact that not one of the crimes has been successfully prosecuted involving the murder of these journalists in Russia, is indicative of a deliberate decision not to dig too deeply into these murders.

Others hint at something darker. In an editorial the Washington Post recently stated, "The instances of violence against journalists in Mr. Putin's Russia and of the brutal elimination of his critics both at home and abroad have become so common that it is impossible to explain them all as coincidences."

The evolution of Russian journalism from its dismal Soviet past to its current role as the Kremlin's sycophant is distressing. During the latter part of the 1980s, Mikhail Gorbachev loosened many of the Soviet era's restrictions on the press and the Soviet media became an important player in Gorbachev's policy of Glasnost.

Under Gorbachev, journalists began to explore the full range of issues that had remained hidden for so long by the Soviet Government, the Afghan war, the gulags, the miserable performance of the Soviet economy and the endemic corruption of Soviet society were laid bare. There is little doubt that the Soviet media's revelations were a catalyst in the disintegration of the Soviet Union.

In the immediate post-Soviet era, the Russian press foundered as the economy collapsed, but the first Chechen war, which lasted from 1994 to 1996, revitalized Russian journalism. Television was especially powerful, and its coverage of the war turned millions of Russians against the conflict. In many respects, this period was the high watermark for an independent press in Russia.

But even as NTV and other television outlets helped to shape domestic opposition to the Chechen war, Russian journalism was shedding its independence. As Michael Specter wrote in the New Yorker about this period in Russia, "The moral tone of the journalist's world began to shift from idealistic to mercenary. The practice of writing biased news articles for money became routine, even at the best papers. Restaurant owners, businessmen and public officials knew that, for the right price, it would bring them favorable coverage almost anywhere."

This distortion of the journalistic creed of objectivity and neutrality was exacerbated in 1996 when President Yeltsin, whose support and opinion polls had fallen into the low single digits, faced off against Communist Gennady Zyuganov in the Russian presidential election. Knowing that without third-party intervention Yeltsin was doomed and that Zyuganov would reimpose control over the media, Russia's media elite intervened.

Over the course of the campaign, NTV and other media outlets collectively swayed Russian public opinion and Yeltsin ended up winning. But the

damage was done. As a former anchor for NTV told the New Yorker's Michael Specter, the election "put a poisoned seed into the soil, and even if we did not see why, the authorities understood at once mass media could very easily be manipulated to achieve any goal. Whether the Kremlin needed to raise the rating of a president or bring down an opponent or conduct an operation to destroy a businessman, the media could do the job."

□ 1715

Once the Kremlin understood it could use journalists as instruments of its will and saw that journalists would go along, everything that happened in the Putin era was, sadly, quite logical.

The ascension of Vladimir Putin to the Russian presidency cemented the link between Russia's rulers and the press. Even without government censorship, the press has become a passive booster of the president's efforts to centralize authority and to restore Russia to its former status as a great power. To that end, the Russian media has ignored the corruption and cronyism that has become institutionalized in Russia since the Yeltsin period, and has largely been uncritical of the prosecution of the second Chechnyan war which has raged for nearly 8 years.

But even as the vast majority of their colleagues censor themselves and follow the Kremlin line, a few brave journalists have dared to investigate, to question, and criticize. Journalistic independence in Russia is dangerous. And in a few minutes we will introduce you to some of the journalists whose brave voices have been stifled.

When my colleague arrives back on the floor, MIKE PENCE, I will introduce him. He has been a leading voice in the House on human rights and serves as the other co-chair of our Congressional Caucus For Freedom of the Press.

But this evening I will start in highlighting the Russian journalists who have lost their lives by talking about Ivan Safronov, who died in early March of this year after falling from a fifth floor stairwell window in his apartment building in Moscow.

He was a correspondent at Kommersant, and is the most recent journalist in Russia to die under a cloud of suspicion. Russian officials quickly called his death a suicide. However, according to colleagues of his at Kommersant, he had a very happy family life and had no motive to commit suicide. It was not until Kommersant and some other news media suggested foul play that the authorities agreed to investigate the circumstances of Mr. Safronov's death.

According to his editors, Mr. Safronov, a military affairs writer, was working on a story about Russian plans to sell weapons to Iran and Syria via Belarus. Mr. Safronov had been a colonel in the Russia Space Forces prior to reporting for Kommersant. He frequently angered authorities with his critical reporting and was repeatedly

questioned by Federal authorities which suspected him of divulging state secrets. One such report that Mr. Safronov filed that angered officials revealed the third consecutive launch failure of a new Bulava intercontinental ballistic missile. This had been a pet project of President Putin's which was supposed to show the world Russia's nuclear strength.

Strangely enough, no charges were ever brought up against Mr. Safronov. He was well aware that he was reporting on a sensitive issue and was very careful in his work always to have a way to prove he was not divulging state secrets. He was known for making meticulous notes and conducting thorough research so he could always prove he got his information from known sources.

It would seem that sadly Mr. Safronov's reporting was too good and the only way to silence him was by eliminating him. Mr. Safronov is not on either of the lists of journalists that we have tonight to highlight because his death is so recent. But his tragic death is another example of the lack of progress being made to protect journalists in Russia.

Before I begin highlighting 13 of the journalists on the committee to protect journalists of the most recently murdered journalists in Russia, I would like to introduce my colleague from Indiana, MIKE PENCE, who is one of the co-chairs of the caucus and does a superb job advocating for the rights of the media.

Mr. PENCE. I thank the gentleman for yielding.

I am profoundly grateful that while I have the privilege of co-chairing the Congressional Caucus for Protection of the Press, I want to acknowledge you have been the driving force behind this caucus. You recruited me to participate a year ago and I am grateful for this opportunity to have a reunion with you publicly on the House floor. The gentleman from California is a Member I deeply admire, and am honored to be associated with, as well as our Senate colleagues, Senator CHRIS DODD and Senator RICHARD LUGAR from my home State.

I would reflect at the outset about World Press Freedom Day which was the very day that we launched the Congressional Caucus For Freedom of the Press back on May 3, 2006, the profound importance of the freedom of the press and my belief that the United States of America ought to be a beacon of freedom for the world. We ought to inspire, we ought to articulate, we ought to use our freedom, as the gentleman from California is doing today in this Special Order, to highlight the absence of freedom in other parts of the globe. I am greatly enthused by his leadership, Mr. Speaker, and by the opportunity today.

A few thoughts on freedom of the press. I would offer where there is no freedom of the press, there is no freedom. If America is to be a beacon of

hope for the world, we must hold high the idea of a free and independent press. We must advance it abroad and we must defend it at home.

A few quotes about the centrality of freedom of the press. As the gentleman from California (Mr. SCHIFF) suggested, sometimes we don't quite understand how central the freedom of the press is to the success of the American experiment. But our Founders enshrined the freedom of the press in the first amendment because they understood, as people who believed in limited government, that the only check on government power in real-time is a free and independent press.

Our Founders did not include freedom of the press in the first amendment because they got good press, they included it there because they believed in limited government and they believed in the survival of liberty, and they understood the role that the press plays in our society and as we seek to promote it through this caucus in other societies. The press is that agency of progress, that agency of accountability that makes freedom possible and sustains freedom.

A few thoughts from our Founders before I yield back to our effort to highlight what has been a train of frightening contract-style killings taking place in Russia that we seek to highlight today. Thomas Jefferson would say, "Our liberty," and I would add parenthetically, anyone else's liberty, "Our liberty cannot be guarded but by freedom of the press, nor that limited without danger of losing it."

Roger McCormick, the founder of the Chicago Tribune, spoke words that are chiseled on the wall of that newspaper to this day, and I wrote them down when I was visiting the paper a few years ago, about the goal, the mission of a newspaper. He said, "The newspaper is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no Constitution has ever been able to provide."

Benjamin Rush, one of our Founding Fathers, would say, "Newspapers are the sentinels of the liberties of the country."

James Madison would say, "To the press alone checkered as it is with abuses, the world is indebted for all of the triumphs which have by gained by reason and humanity over error and oppression."

And Daniel Webster would say, "The entire and absolute freedom of the press is essential to the preservation of government on the basis of a free Constitution."

These great minds, these great voices of liberty, some of whom faces are chiseled into the wall of this great room, are what inspired the formation of the Congressional Caucus for the Freedom of the Press, and it inspires me to be able to stand with my co-chair, with the founder of this caucus, Congressman SCHIFF, to now use this platform,

this stage, this blue and gold and red carpet to hold up the ideal of the freedom of the press, and in the exercise of our own freedom to challenge those and expose those places in the world where the freedom of the press is under siege.

As I prepare to yield back to the gentleman, I would say that the rising tide of violence against journalists in Russia since the advent of the presidency of Mr. Putin is deeply troubling and ought to be troubling to anyone who cherishes the notion of a free and independent press.

As we saw the wall fall in 1991, we all hoped that the daylight of liberty was rushing in with perestroika and the changes and the democracy movement, but it seems that Boris Yeltsin's recent passing may be a metaphor for Russia today. The Boris Yeltsin who stood against Soviet totalitarianism, stood for democracy in his country, passed into history just a matter of weeks ago, and it seems as I think the gentleman will articulate in a powerful and compelling way today, that as he passes into history, we fear that this experiment in freedom and democracy, and particularly a free press in Russia, is passing into history as well. We do not conclude that, we fear it.

I am honored to be able to join my colleague and participate as he yields time to telling some of the stories of these journalists who have paid the price for doing liberty's work in that country of Russia.

So again, I commend the gentleman and give him whole cloth credit for founding the Congressional Caucus For Freedom of the Press. I am honored to stand with him and honored to call him a friend.

Mr. SCHIFF. I thank the gentleman for your generosity and commitment. I know my colleague probably feels as I do that there is many a morning I get up and read the newspaper, seeing my own name in it, and not feel that this is the day I want to champion a free press. That does happen from time to time. But notwithstanding those occasional morning papers, we almost always recognize the importance of the institution. That is why we are here tonight.

When we have gotten together in the past, it is to highlight journalists who have been imprisoned or murdered or killers who have gone with impunity around the world. But because of the magnitude of the problem in Russia, because of the prevalence and the pernicious nature of what is going on in Russia, we felt that we needed to spotlight one country tonight and devote the entire hour to Russia.

Let me start by highlighting some of the 13 journalists in Russia who have been killed contract-style since President Putin was elected president in 2000.

This list of journalists was compiled by the caucus to protect journalists. These 13 journalists are all believed to have been deliberately killed due to

their work as journalists. Their names and the dates they were killed and the media outlets they worked for are listed on some of the graphics that we have here tonight, and these are the faces of the 13 slain journalists.

It is one thing when we talk about the numbers of journalists that have been murdered this year and the number that were murdered last year or the number killed in Russia alone over the last several years. Those are only numbers; but when we look at this chart and we look at these journalists and we realize that these were each promising lives, these were each important lives, these were real people doing a courageous job who are no longer among us, we can understand the enormity of the crime that is going on.

The first of the journalists on the committee's list and the second most recent journalist in Russia to be murdered, probably the most well-known internationally is Anna Politkovskaya. Her portrait is behind me. Anna was found shot to death in her Moscow home on October 7 of last year in a murder that garnered worldwide condemnation.

□ 1730

Her death sparked protests from governments around the world, the European Union, and civil society groups concerned with freedom of the press.

Anna was a courageous and world-renowned writer for the paper *Novaya Gazeta*. For many years she had campaigned against the war in Chechnya, corruption, and shrinking freedoms throughout the Russian Federation. Anna was a fearless journalist committed to reporting the truth about the conflict in Chechnya, which she called "a small corner of hell."

In 7 years covering the second Chechen war, Anna's reporting repeatedly drew the wrath of Russian authorities. For simply reporting the truth about the conflict, she was threatened, jailed, forced into exile, and even poisoned. Even that was not enough to silence her.

In an interview with the Committee to Protect Journalists, Politkovskaya noted the government's obstruction and harassment of journalists trying to cover the Chechen conflict. She pointed out the difficulty of covering the 2004 hostage crisis in the North Ossetian town of Beslan that left 334 civilians dead. She said, "There is so much more to write about Beslan, but it gets more and more difficult when all the journalists who write are forced to leave."

Apparently the authorities were not content with simply forcing Politkovskaya to leave. She was poisoned on her way to cover the Beslan crisis. After drinking tea on a flight to the region, she became seriously ill and was hospitalized, but the toxin was never identified because the medical staff was instructed to destroy her blood tests.

Politkovskaya was threatened and attacked numerous times in retaliation

for her work. In February 2001, security agents detained her in the Vedeno district in Chechnya, accusing her of entering Chechnya without accreditation. She was kept in a pit for three days without food or water, while a military officer threatened to shoot her. Seven months later, she received death threats from a military officer accused of crimes against civilians. She was forced to flee to Vienna after the officer sent an e-mail to *Novaya Gazeta* promising that he would seek revenge.

When Politkovskaya covertly visited Chechnya in 2002 to investigate new allegations of human rights abuses, security officers arrested her, kept her overnight at a military base, and threatened her. In October of that year, Politkovskaya served as a mediator between armed Chechen fighters and Russian forces during a hostage standoff in a central Moscow theater. Two days into the crisis, with the Kremlin restricting media coverage, Russian forces gassed the theater and 129 hostages died. Politkovskaya delivered some of the most compelling accounts of that tragedy.

Just prior to her murder, Anna was working on an article, accompanied by photos, about torture in Chechnya. It was due to be published days after she was killed. Her article, however, never arrived at the newspaper.

In her last book, *Russia Under Putin*, which was published this year in France, she not only criticized atrocities in Chechnya but also corruption and human rights violations in Russia.

Anna was internationally acclaimed for her courage and her professionalism, and now you can see why. She was named by the Committee to Protect Journalists as one of the world's top press freedom figures of the past 25 years in the fall 2006 edition of its magazine, *Dangerous Assignments*.

Anna may have been killed, but her memory continues to live on. Today, Anna was named this year's winner of the prestigious 2007 UNESCO/Guillermo Cano World Press Freedom Prize. This is the first time the honor has been awarded posthumously in its 10-year history.

While the Russian Government claims that many leads have been examined, so far the investigation has stalled, and no charges have been filed, a sadly familiar tale when a journalist is murdered in Russia.

This is the face of a woman of great courage, who gave her life so that the truth could come out and be told, and tonight we honor her memory and we point to her example.

I will turn now to Mr. PENCE to highlight our next journalist.

Mr. PENCE. Mr. Speaker, also pictured on our poster, and I believe the gentleman from California could point to, in the upper left corner of the poster should be the image of Magomedzagid Varisov.

At around 9:00 p.m. on June 28, 2005, in the city of Makhachkala, assailants armed with machine guns opened fire

on Magomedzagid Varisov's sedan as he drove home with his wife. Varisov sustained multiple bullet wounds and died at the scene. The likely motive for Varisov's assassination was his work as a journalist and a commentator.

For three years prior to his murder, Varisov wrote analytical columns for the *Novoye Delo*, Dagestan's largest weekly newspaper. Dagestan, a Russian republic bordering the Caspian Sea, has been the scene of low-level political violence and unrest driven by a separatist rebellion since 2000. Varisov was often critical of the Dagestan separatists, and his expertise on the Northern Caucasus made him a highly sought after resource for reporters and researchers. As a journalist and a pundit, Varisov wrote that the opposition was trying to destabilize the republic and topple the regional government and authored investigative pieces into terrorism and organized crime in the region.

In an issue of *Novoye Delo* just before his death, Varisov examined Russian Army operations in the Chechen border town of Borzhdinovskaya in which one person was killed and 11 others were reported missing. Ethnic Avars, fearing for their lives, left Borzhdinovskaya by the hundreds and crossed into neighboring Dagestan. Varisov criticized Chechen authorities in his article for failing to protect the safety of Borzhdinovskaya residents and appealed to Dagestan authorities to do right by them.

For over a year, Varisov had spoken of threats against him and had written about those threats in articles for *Novoye Delo*. Varisov complained that unknown individuals were following him, and he sought protection from Makhachkala law enforcement authorities. No protection came, and not long after, Varisov was gunned down.

In a tale that has become all too common in Russia, Mr. Varisov's murder will go unsolved and unprosecuted. A raid on October 25, 2005, killed three suspects in Mr. Varisov's death. Local prosecutors closed their case shortly afterward, and Varisov was added to the list of journalists whose murder will go unsolved but not forgotten.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman.

The next casualty in Russia's war on journalism that we will highlight tonight is Paul Klebnikov whose photo appears here.

Paul, editor of *Forbes Russia* and an investigative reporter, was gunned down as he left his Moscow office late at night on July 9, 2004. Authorities in Moscow described the case as a contract murder and said that he may have been killed because of his work. Paul, a U.S. journalist of Russian descent, was 41 years old when he was shot at least nine times from a passing car.

I had the opportunity to speak with his widow a year ago today when Representative PENCE and I launched this caucus, and I expressed my deep sorrow

to her and their three young children about this tragic occurrence.

Paul had just started as the editor of *Forbes Russia*, which had launched three months prior to his death. He had risen through the ranks of *Forbes* over the prior 15 years with the magazine, starting as a reporter covering Russian economic reform and the rise of the country's new business elite. As a son of Russian emigrants with a long military tradition across the political stratosphere, Paul developed a significant expertise in Russian and Eastern European politics and economics, which he used to report on the murky world in post-Soviet Russia where politics and business meet.

Over the course of his career, Paul conducted hundreds of interviews with top Russian officials and business leaders and had interviewed nearly all of Russia's most famous businessmen, its oligarchs. His research into the activities of these leaders led to his first book. Further research into organized crime in Chechnya led to his second book. In 2003, he published a groundbreaking article on corruption among Iran's theocratic rulers.

When given the opportunity to launch *Forbes Russia*, Paul considered it a great opportunity to bring the best of Western values to a Nation struggling through a difficult political, economic and social transition. He wrote that Russia, despite setbacks, was entering an era where lawful, innovative, free enterprise capitalism could emerge. In *Forbes Russia's* inaugural edition of April 2004, Paul published an investigative piece that led to criticism from the Kremlin. The following May issue included a list of Russia's 100 richest people, noting that Moscow had more billionaires than any other city. Both articles incited the subjects of the pieces, and Paul's tradition of creating enemies through his reporting continued.

That history followed him to the night of his murder when Paul, after leaving work, was shot multiple times and killed. In his dying words, he said he couldn't imagine who wanted him dead.

A special crimes unit was assigned to investigate Paul's murder.

On September 28, 2004, Moscow police said they arrested two Chechen men suspected in the murder. But the suspects denied involvement, and police backed off their initial assertion. Less than two months later, on November 18, 2004, Moscow police and the Belarusian security service arrested three other Chechens considered suspects in the murder. Authorities provided only limited information about the evidence they used to link the new suspects to the crime.

Some analysts reacted to the arrests with skepticism. After the September arrests were reported, Oleg Panfilov, director of the Moscow-based press freedom group Center for Journalism in Extreme Situations, told an interviewer that authorities were pursuing a "farfetched Chechen trail."

Today, Paul's case remains another unsolved murder in Russia.

Paul may have believed Russia was entering a new era, but today we can still see that with independent reporting stifled and investigative journalists living in fear of contract killings, post-Soviet Russia still must close a vast gap to begin to have a free and unbiased press.

I yield to my colleague from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, Aleksei Sidorov is our next victim, and his image appears along with Valery Ivanov at the center of the poster, if the gentleman from California would point it out. I do think, as Mr. SCHIFF said earlier, it is important in this moment that we dwell on the fact that these were people who demonstrated courage, who had loved ones and who are now gone forever, both to the cause and to their families and their communities, and it is imperative we look them in the face.

On October 9, 2003, Aleksei Sidorov, the editor-in-chief of the independent daily known as *Tolyatinskoye Obozreniye*, was murdered in Togliatti, a city on the Volga River 600 miles east of Moscow.

Sidorov was the second editor-in-chief of that newspaper to be murdered in a 2-year span. His predecessor, shown in the same photograph, Valery Ivanov, was shot eight times at point-blank range in April 2002.

According to local press reports, two unidentified assailants stabbed Sidorov in the chest several times as he approached the apartment building in Togliatti where he lived with his family. The assailants fled after stabbing Sidorov, and the editor died in his wife's arms after she heard his call for help and came down to the entrance of their building.

Sidorov's paper was a newspaper known for its investigative reports on organized crime, government corruption, and shady corporate deals in the heavily industrialized city of Togliatti. His colleagues are convinced the murder was in retaliation for the paper's investigative work.

One of them told the Committee to Protect Journalists, "All of our investigative work was supervised by Aleksei." Another journalist at the paper told CPJ that Sidorov had received unspecified threats in retaliation for his work.

Government officials initially agreed that Sidorov's murder appeared to be a contract killing in retaliation for his work as a journalist. But a week after the killing, officials began offering conflicting explanations about the motive for the murder. On October 16, the local head of the Interior Ministry, Vladimir Shcherbakov, said Sidorov was stabbed after refusing to give a stranger a sip of some vodka he had supposedly been drinking, the independent Moscow daily *Gazeta* reported.

That same day, Deputy Prosecutor General Vladimir Kolesnikov said the

murder was related to "the journalist's professional activity," the independent Moscow daily *Kommersant* reported. But the next day, he switched his story, calling the murder, "an act of hooliganism," the ITAR-TASS news agency reported.

□ 1745

According to local news reports, Deputy Prosecutor General Yevgeny Novozhylov said that an intoxicated welder from one of the local factories, Yevgeny Maininger, stumbled upon Sidorov that evening and murdered him after a brief argument. The local police detained Maininger on October 12 and charged him with murder after he confessed to the killing.

Sidorov's family and journalists at the newspaper *Tolyatinskoye Obozreniye* were skeptical that the authorities had found the true killer. A year later, a Russian district court judge confirmed their doubts by acquitting the man.

On October 11, 2004, Judge Andrei Kirillov found that the 29 year-old alleged assailant was not involved in Sidorov's murder and said the prosecution's case was untenable, according to the independent Moscow daily known as *Kommersant*. Sidorov's family father said the family was pleased that the acquittal ended what they considered to be a flawed investigation. "The investigation, instead of seeking out the real killer of my son, tried to dump everything on this innocent person," Mr. Sidorov's father, said. "We will do everything possible to ensure the [authorities] start a normal investigation."

Karen Nersisian, the defense lawyer representing the Sidorov family, said, he will work to have the case transferred to a higher court in Moscow, according to local press reports.

More than 3 years later, Sidorov's killer has not been identified.

Mr. SCHIFF. It is a sad commentary on the number of journalists that have been murdered in Russia, that in an hour we will not have time to discuss all of them.

There are several journalists we may not be able to fully describe this evening who are featured on our chart. I do want to let those know who are listening and watching know that the full biographies and facts that we are outlining tonight can be obtained from the Committee to Protect Journalists and Reporters Without Borders. Much of the material we are using tonight is drawn from their sources, and we are deeply grateful for their work and assistance.

The next journalist we will highlight tonight is Dmitry Shvets. Dmitry's picture appears here in the middle of the chart. On April 18, 2003, the 37 year-old deputy director general of the independent television station TV-21 Northwestern Broadcasting in the northern Russian City of Murmansk, was shot dead outside of the station's offices.

An unknown assailant shot Dmitry several times at approximately 5:00 in the afternoon in front of witnesses and escaped in a getaway car that was waiting nearby. Dmitry died instantly. Dmitry was well known in Murmansk, not only for running the television station, but also for his political activism and a number of commercial interests. Although he had not worked as a journalist in many years, Dmitry remained in a managerial position and on the station's board of directors. According to press reports in the Moscow-based Center for Journalism in Extreme Situations, he influenced the station's editorial policy and TV-21's reporting.

The Murmansk media covered Dmitry's murder widely and actively speculated about the possible motive. Dmitry's colleague said the TV-21 had received several threats for its critical reporting on several influential politicians, include Andrei Gorshkov, a candidate in the city's mayoral race.

Several weeks before Dmitry's murder, Gorshkov had threatened TV-21's journalists several times after they broadcast a tough interview with him. TV-21 news editor Svetlana Bokova told the Committee to Protect Journalists that at the time of his death, Dmitry was using his contacts at the police and prosecutor's office to investigate the mayoral candidate's links to organized crime.

Police investigated various motives behind the murder, including Dmitry's political, commercial and journalistic activities at TV-21. Dmitry's colleagues maintain that he was killed in retaliation for TV-21's critical reporting on local politics.

Sadly, Dmitry's murder has yet to be solved.

I now yield to the gentleman from Indiana.

Mr. PENCE. On March 9, 2002, Natalya Skryl, a business reporter working for the *Nashe Vremya* newspaper in the City of Rostov-on-Don in southwestern Russia died from head injuries sustained during an attack the previous evening. Her image appears on our poster at the lower right-hand. Perhaps the gentleman from California could point that out for our C-SPAN camera team, Natalya Skryl.

Late on the night of March 8, Natalya was returning to her home in the town of Taganrog just outside of Rostov-on-Don when she was attacked from behind and struck in the head about a dozen times with a heavy blunt object. Neighbors called an ambulance and the police after hearing her scream. Natalya was found unconscious just outside her home and taken to Taganrog hospital, where she died the following day.

Natalya, who was 29, reported on local business issues for a newspaper owned by Rostov regional authorities. Just before her death, she was investigating an ongoing struggle for the control of Tagmet, an metallurgical plant. *Nashe Vremya* editor-in-chief Vera Yuzhanskaya believes that

Natalya's death was related to her professional activities, ITAR-TASS news agency reported.

Since opening an investigation shortly after her murder, officials have changed their theory several times. Initially, the prosecutor's office said that because Natalya was carrying jewelry and a large sum of cash that were not taken at the time of the murder, that robbery could be ruled out as a motive.

But on July 24, 2002, the Taganrog Directorate of Internal Affairs announced that robbery was the motive, and that the crime was unrelated to her journalistic activities, according to a local radio station report. Taganrog authorities switched their story again on September 5, and the *Nashe Vremya* editor in chief, Vera Yuzhanskaya, told the Committee to Protect Journalists, when they closed the murder investigation without officially identifying the reason for the murder.

Gregory Bochkarov, a local analyst in Rostov-on-Don for the Moscow-based Center For Journalism in Extreme Situations told the Committee to Protect Journalists that the only credible motive for Natalya's murder was her reporting about Tagmet and that police had emphasized the robbery motive in an effort to play down the significance of her case. Just prior to her death Natalya reportedly told several of her colleagues that she had recently obtained sensitive information about the Tagmet story and was planning to publish an article revealing this information.

Let me say that again. Just prior to her death, Natalya told several colleagues that she had recently obtained sensitive information about the story and was planning to publish an article revealing that information.

Natalya, like all other journalists, is among the ranks of unsolved ranks of murders of journalists in Russia.

Mrs. Pence is waiting supper. I will ask the gentleman's forbearance. I extend my gratitude for your leadership of our caucus, for the honor of participating in this special order with you and to say how much I look forward to continuing to work with you as we use this institution of freedom to promote press freedom around the world.

Mr. SCHIFF. I thank the gentleman very much, and particularly since the gentleman conducted a special order hour before this one, I am amazed that his voice has held up this long. I thank the gentleman for all your work, and appreciate you joining me tonight.

The next journalist that I will highlight this evening is Eduard Markevich, and Eduard's picture appears in the upper left-hand corner. Mr. Markevich was the 29-year-old editor and publisher of *Novy Reft*, the local newspaper in the town of Reftinsky, Sverdlovsk Region. He was found dead, shot in the back.

*Novy Reft* often criticized local officials, and Eduard's colleagues told the ITAR-TASS news service that he had



received threatening telephone calls prior to the attack. This was not the first attack on Eduard, the Region-Inform news agency reported. In 1998, two unknown assailants broke into his apartment and severely beat him in front of his pregnant wife. They were never caught.

In 1999, Eduard was illegally detained for 10 days after local prosecutor's office charged him with defamation over a *Novy Reft* article questioning the propriety of a lucrative government contract that gave a former deputy prosecutor the exclusive right to represent the Reftinsky administration in court.

In May 2001, federal prosecutor general Vladimir Ustinov reprimanded the local prosecutor for violating Eduard's constitutional rights.

Police investigated, or launched an investigation into Eduard's murder. Now 6 years after the journalist's death. Authorities have made no progress, the Moscow-based Center for Journalism in Extreme Situations has reported. There is continually no progress made.

His wife continues to publish the *Novy Reft*, and, this evening, Eduard is in our thoughts and in our memories.

The next journalist I will highlight this evening, is Adam Tepsurgayev. Adam's picture appears just here to my right. Adam was a 24-year-old Chechen cameraman. He was shot dead at a neighbor's house in the village of Alkhan-Kala. His brother, Ali, was wounded in the leg during the attack.

A Russian government spokesman blamed Chechen guerillas for the murder. The gunman reportedly spoke Chechen, but local residents said the guerillas had no reason to kill a cameraman. During the first Chechen war in 1994-1996 Adam worked as a driver and fixer for foreign journalists. Later he started shooting footage from the front lines of the conflict between Russian troops and separatists guerillas. Reuters' Moscow bureau chief, Martin Nesirky, described him as an "irregular contributor." While most of Reuter's footage from Chechnya in 2000 was credited to Adam, including shots of Chechen field commander Shamil Basayev, having his foot amputated, he had not worked for Reuters in the 6 months before he died. His murder, too, is yet to be solved, and there are no details about any investigation.

The next journalist I will highlight this evening is Valery Ivanov. Valery's picture appears here. On April 29, 2002, Mr. Ivanov, editor of the newspaper, *Tolyatinskoye Obozreniye*, in the southern Russian city of Togliatti, was shot dead outside his home at approximately 11 at night. He was 32 years old and was shot eight times in the head at point blank range while entering his car, a colleague at the newspaper said.

Eye witnesses saw a 25- to 30-year-old man walk up to Valery's car and shoot him, according to local press reports and the Committee to Protect Journalists sources. The killer used a pistol

with a silencer and fled the scene on foot.

Valery's colleagues believe the killing was connected to his work. The newspaper he worked for is well known for its reports on local organized crime, drug trafficking and official corruption. Valery also served as a deputy in the local legislative assembly.

Local police opened a criminal investigation into the murder, and many considered several possible motives, though it is believed by many that he was killed in retaliation for his writing. Five years later, no one has been brought to justice for Valery's murder.

The next journalist we will highlight this evening is Sergey Ivanov. There is little known about the death of Sergey Ivanov. His picture appears here.

Around 10 p.m. on October 3, 2000, unknown gunmen killed Sergey in front of his apartment building in Togliatti, a town in Samara Province. He was the director of the largest independent television company in Togliatti. Sergey was shot five times in the head and chest.

Lada-TV, which the 30-year-old Sergey had headed since 1993, was a significant player in the local political scene. Investigators have considered a possible or commercial programming dispute as the motivation for the murder. However, the murder still remains unsolved. Without a complete investigation, we may never know the circumstances of his death.

The next journalist murdered in Russia we will highlight this evening is Iskandar Khatloni. Mr. Khatloni's picture appears to the far right on this chart, to my far right, that is.

On September 21, 2000, Iskandar, who was a reporter for the Tajik-language service of Radio Free Europe/Radio Liberty, was attacked late at night at his Moscow apartment by an unknown, axe-wielding assailant. The door of his apartment was not damaged, indicating that there was no forced entry and that the journalist might have known his attacker.

The 46-year-old Iskandar was struck twice in the head, according to Radio Free Europe's Moscow bureau. He then stumbled into the street and collapsed and was later found by a passerby. The journalist died later that night in Moscow's Botkin Hospital. Local police opened a murder investigation, but had made little progress by year's end.

Iskandar had worked since 1996 as a Moscow-based journalist for the Tajik service of the U.S.-funded RFE/RL, which broadcasts daily news programming to Tajikistan.

A Radio Free Europe spokeswoman said at the time of his death, Iskandar had been working on stories about the Russian military's human rights abuses in Chechnya.

□ 1800

Earlier in the year, a senior official in Russia's Media Ministry charged that Radio Free Europe was "hostile to our state." His death, along with all

the other journalists killed in Russia since 2000, remains unsolved.

The next journalist we will highlight this evening is Sergey Novikov. On the night of July 26, 2000, Sergey Novikov, the 36-year-old owner of the only independent radio station in Smolensk, was shot and killed on the stairwell of his apartment building. The killer shot him four times and escaped through the back door.

Sergey had received death threats earlier in the year after announcing his intent to run for provincial governorship. He was one of the most successful businessmen in the region, serving on the board of directors of a local glass-making factory.

Sergey's employees believed his murder was politically motivated. His radio station, *Radio Vesna*, was a frequent critic of the government of Smolensk Province. Three days before his death, Sergey had taken part in a television panel that had discussed the alleged corruption of the provincial deputy government. To this day, his killer remains at large and the police have not determined a motive for his death.

My time will soon run out. There is one final reporter that I wish to highlight on this chart tonight, Igor Domnikov. On July 16, 2000, Igor, a 42-year-old reporter and special projects editor for the twice-weekly Moscow paper, *Novaya Gazeta*, died after being attacked 2 months earlier in the entryway of his apartment building in southeastern Moscow. According to numerous sources, the reporter was attacked by an unidentified assailant who hit him repeatedly on the head with a heavy object, presumably a hammer, and left him lying unconscious in a pool of blood, where a neighbor found him.

Igor was taken to the hospital with injuries to the skull and brain. After surgery and 2 months in a coma, the journalist died on July 16.

From the very beginning, Igor's colleagues and the police were certain the attack was related to his professional activity or that of the newspaper. It was also believed for a while that the assailant mistook Igor, who covered social and cultural issues, for a *Novaya Gazeta* investigative reporter named Oleg Sultanov, who lives in the same building. Sultanov claimed to have received threats from the Federal Security Service in January for his reporting on corruption in the Russian oil industry.

According to the paper's editorial staff, the Interior Ministry was actively investigating the brutal attack and promised Igor's colleagues to finish the investigation by the end of the summer if the latter agreed not to interfere or disclose any details of the case to the public. However, in early fall of that year the police downgraded the case's high priority status and archived it, as allowed by law for cases unresolved within 3 months.

Igor's colleagues were not informed about the downgrade. As they explained, archiving does not mean outright closure of the investigation; the case may be reopened if new information emerges. But this did not appear likely and has yet to happen almost 7 years later.

Those are the journalists we have time to highlight this evening. They are just a window into the attack on press freedom going on in Russia, and they stand as a shining example of the courage and dedication of some of the men and women around the world devoted to freedom of the press.

Tonight we honor their memory and we call on the Putin government to investigate their deaths and hold those responsible accountable.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (at the request of Ms. PELOSI) for after 2 p.m. today.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and through May 9, 2007 on account of official business in district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of personal health reasons.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFERSON) to revise and extend their remarks and include extraneous material:)

Mr. CLYBURN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 10, 2007.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 7, 8, 9, and 10, 2007.

#### ADJOURNMENT

Mr. SCHIFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, May 7, 2007, at 12:30 p.m., for morning hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1476. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modification of Administrative Rules Governing Committee Representation [Docket No. AMS-FV-06-0182; FV06-946-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1477. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Docket No. AMS-FV-06-0225; FV07-932-1 PR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1478. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2006-07 Crop Natural (sun-dried) Seedless Raisins [Docket No. AMS-FV-07-0027; FV07-989-1 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1479. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Suspension of Container Regulations [Docket No. AMS-FV-07-0031; FV07-922-1 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1480. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Hourly Fee Rates for Science and Technology Laboratory Services-Fiscal Years 2007-2009 [Docket No. AMS-ST-07-0045; ST-05-01] (RIN: 0581-AC48) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1481. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Docket No. AMS-FV-06-0225; FV07-932-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1482. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Exemption of Onions for Export [Docket No. AMS-FV-07-0043; FV07-959-2 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1483. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Outgoing Quality Control Requirements [Docket No. FV06-981-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1484. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1485. A letter from the Chair, Equal Employment Opportunity Commission, transmitting report of a violation of the Antideficiency Act by the Equal Employment Opportunity Commission, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1486. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2006, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

1487. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report for improving the recruitment, placement, and retention within the Department of individuals who receive scholarships and fellowships under the National Security Education Act of 1951, pursuant to Public Law 109-364, section 945(c); to the Committee on Armed Services.

1488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Temporary Exhaust Emission Test Procedure Option for All Terrain Vehicles [EPA-HQ-OAR-2006-0858; FRL-8305-8] (RIN: 2060-A035) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the "Major Emitting Facility" Definition [EPA-HQ-OAR-2006-0089; FRL-8301-4] (RIN: 2060-AN77) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois portion of the St. Louis, Illinois portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area [EPA-HQ-OAR-2006-0841 FRL-8304-1] (RIN: 2060-A034) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [EPA-HQ-OAR-2002-0009; FRL-8303-6] (RIN: 2060-AK22) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products [EPA-HQ-OAR-2002-0093; FRL-8304-2] (RIN: 2060-AN10) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision to Rescind Portions of the Ohio Transportation Conformity Regulations [EPA-R05-OAR-2007-0155; FRL-8305-3] received April 23, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

1494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration (PSD) and New Source Review [EPA-R06-OAR-2006-0568; FRL-8305-1] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Maryland; Revisions to the Acid Rain Regulations [EPA-R03-OAR-2007-0254; FRL-8304-8] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [EPA-HQ-OAR-2005-0031; FRL-8302-3] (RIN: 2060-AN97) Received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1497. A letter from the Acting Inspector General, Department of Defense, transmitting the resultant review report, "Interagency Review of U.S. Export Controls for China," pursuant to Public Law 106-65; to the Committee on Foreign Affairs.

1498. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of its intention to obligate up to \$5.0 million of FY 2006 funds for the Cooperative Treat Reduction (CTR) Program, pursuant to Public Law 109-163, section 1302; to the Committee on Foreign Affairs.

1499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 28, 2007 — April 24, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

1500. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final version of "Report on U.S. Government Assistance to and Cooperative Activities with Eurasia," pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

1501. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

1502. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1503. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "Federal Student Loan Repayment Program FY 2006," pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

1504. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 22), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

1505. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting the Proposed Final 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012; to the Committee on Natural Resources.

1506. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report on the adequacy of those rules to protect privacy and security, pursuant to Public Law 107-347 section 205(g); to the Committee on the Judiciary.

1507. A letter from the Director, Judicial Conference of the United States, transmitting the Office's fiscal year 2007 update to the Long Range Plan for Information Technology in the Federal Judiciary and the Judiciary Information Technology Fund Annual Report for Fiscal Year 2006, pursuant to 28 U.S.C. 612; to the Committee on the Judiciary.

1508. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's 21st annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b); to the Committee on Transportation and Infrastructure.

1509. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Market Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2006-2007 Marketing Year [Docket Nos. AMS-FV-07-0039; FV07-985-2 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's report required by Section 757 of Public Law 106-181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1873. A bill to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes; with an amendment (Rept. 110-111, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER: Committee on Rules. H. Res. 370. A resolution providing for consideration of the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110-121). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. LATOURETTE, and Ms. SCHAKOWSKY):

H.R. 2122. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. STARK, Mr. GRIJALVA, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. OBERSTAR, Mr. RANGEL, Ms. SCHWARTZ, and Mr. TOWNS):

H.R. 2123. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia:

H.R. 2124. A bill to amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Mr. BAKER, Mr. BERRY, Mr. WALZ of Minnesota, Mr. FRANKS of Arizona, Mr. KIND, Mr. ALEXANDER, Mr. BOUSTANY, Ms. HIRONO, Mr. SIMPSON, Ms. HERSETH SANDLIN, and Mr. POMEROY):

H.R. 2125. A bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 2126. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 2127. A bill to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself and Mr. DELAHUNT):

H.R. 2128. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 2129. A bill to strengthen the Food Stamp Act of 1977; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 2130. A bill to require a study and comprehensive analytical report on transforming America by reforming the Federal tax code through elimination of all Federal taxes on individuals and corporations and replacing the Federal tax code with a transaction fee-based system; to the Committee on Ways and Means.

By Mr. MARSHALL (for himself, Mr. KING of New York, Mr. TOWNS, Mr. FOSSELLA, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KUHL of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. NADLER, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. SLAUGHTER, Mr. WALSH of New York, and Mr. WEINER):

H.R. 2131. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself, Mrs. CAPPS, Mr. CARNAHAN, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. BALDWIN, Mr. EMANUEL, Mr. GENE GREEN of Texas, Ms. MCCOLLUM of Minnesota, and Ms. DELAURO):

H.R. 2132. A bill to amend the Public Health Service Act to establish a small business health benefits program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. MCHUGH, Mr. PATRICK MURPHY of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2133. A bill to provide support for small business concerns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. MCINTYRE, Mr. JEFFERSON, Mr. POE, Mr. GARRETT of New Jersey, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. BURTON of Indiana, Mr. HUNTER, Mr. MILLER of Florida, Mr. LAMBORN, Mr. SMITH of New Jersey, Mr. MCCAUL of Texas, Mr. SALI, Mr. JONES of North Carolina, Mr. FORTENBERRY, Mr. PITTS, Mr. GINGREY, Mr. CAMPBELL of California, Mr. PEARCE, Mr. WELDON of Florida, Mr. NEUGEBAUER, Mr. CARTER, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. BILBRAY, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. HOEKSTRA, Mr. ADERHOLT, Mrs. JO ANN DAVIS of Vir-

ginia, Mr. WICKER, Mr. EVERETT, Mrs. DRAKE, Mr. ROGERS of Kentucky, and Mr. WAMP):

H.R. 2134. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mrs. CUBIN, Ms. KAPTUR, Mr. BRALEY of Iowa, and Mr. LOEBACK):

H.R. 2135. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture.

By Mr. DOGGETT (for himself, Mr. EMANUEL, Mr. LEVIN, Ms. DELAURO, Ms. LEE, Mr. MCGOVERN, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. STARK, Ms. SUTTON, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. LYNCH, Mr. NADLER, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. STUPAK, Ms. KAPTUR, Mr. RUSH, Mr. McNULTY, Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. SOLIS, Ms. WATSON, Mr. PAYNE, Mr. COSTELLO, Mr. CONYERS, Ms. SLAUGHTER, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. WELCH of Vermont, Mr. ELLISON, Mr. BISHOP of New York, Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. DEFazio, Mr. ABERCROMBIE, and Ms. CLARKE):

H.R. 2136. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. BLUMENAUER, and Ms. SCHWARTZ):

H.R. 2137. A bill to amend the Internal Revenue Code of 1986 to modify the energy efficient appliance credit for appliances produced after 2007; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. CAMP of Michigan, Mr. MCDERMOTT, Mr. HERGER, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mr. NEAL of Massachusetts, Mr. SAM JOHNSON of Texas, Mr. POMEROY, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, Mr. WELLER, Mr. LARSON of Connecticut, Mr. HULSHOF, Mr. EMANUEL, Mr. LEWIS of Kentucky, Mr. BLUMENAUER, Mr. BRADY of Texas, Mr. KIND, Mr. REYNOLDS, Mr. PASCRELL, Mr. CANTOR, Ms. BERKLEY, Mr. NUNES, Mr. CROWLEY, Mr. TIBERI, Mr. VAN HOLLEN, Mr. PORTER, Ms. SCHWARTZ, and Mr. DAVIS of Alabama):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and strengthen the alternative simplified credit for qualified research expenses; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself, Mr. FRANK of Massachusetts, Mr. FEENEY, and Mr. TIBERI):

H.R. 2139. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. PORTER, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. LOBIONDO, Mr. HELLER, Mr. WALZ of Minnesota, Mr. COHEN, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr.

RUPPERSBERGER, Mr. YARMUTH, Mr. SERRANO, Mr. MCGOVERN, Mr. TOWNS, Mr. PASCRELL, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. CLAY, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. WEINER, Mr. ACKERMAN, Mrs. MALONEY of New York, Mr. WEXLER, Mr. MEEK of Florida, Mrs. NAPOLITANO, Mr. PETERSON of Minnesota, Mr. MELANCON, Mr. ABERCROMBIE, Mr. HILL, Mr. TAYLOR, Mr. THOMPSON of California, Ms. WATSON, Mr. LEWIS of Georgia, Mr. CONYERS, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. COSTELLO, Ms. LORETTA SANCHEZ of California, Mr. MOORE of Kansas, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Mr. NADLER, Mr. RANGEL, Mr. HONDA, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. LANGEVIN, Mr. FALEOMAVAEGA, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. GRIJALVA, Mr. ISRAEL, Mr. COSTA, and Mr. CLYBURN):

H.R. 2140. A bill to provide for a study by the National Academy of Sciences to identify the proper response of the United States to the growth of Internet gambling; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. FLAKE, and Mr. SIMPSON):

H.R. 2141. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 2142. A bill to amend title 39, United States Code, to allow absentee ballots in Federal elections to be mailed by voters free of postage; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Kentucky:

H.R. 2143. A bill to require the Secretary of Defense to enter into an agreement with the Center for the Study of the Presidency to study reforms of the national security inter-agency system; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. GILCHREST, Mr. MURPHY of Connecticut, Ms. WOOLSEY, Mr. ROTHMAN, Mr. GERLACH, Mr. RUPPERSBERGER, Mr. SHAYS, Mr. ALLEN, Mr. HINCHEY, Mr. COURTNEY, Ms. KAPTUR, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. HODES, Mr. CASTLE, Mr. ARCURI, Mr. FARR, Mr. WELCH of Vermont, Mr. MCHUGH, Mr. REYNOLDS, Ms. SHEAPORTER, and Mr. OLVER):

H.R. 2144. A bill to extend and enhance farm, nutrition, and community development programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 2145. A bill to establish a pilot program in the Department of State for improvement of government-to-government relations with the Miccosukee Tribe of Indians of Florida; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. HODES, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PERLMUTTER, Mr. WALZ of Minnesota, Ms. WATERS, and Ms. WOOLSEY):

H.R. 2146. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. EMANUEL (for himself, Mr. RAMSTAD, Mr. LAHOOD, Mr. ROSS, Ms. SCHWARTZ, Ms. SHEA-PORTER, Mrs. EMERSON, Mr. KENNEDY, Mr. COURTNEY, Mr. PLATTS, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. ALEXANDER, Ms. HIRONO, Ms. BERKLEY, Mr. SARBANES, Mr. COHEN, Mr. MORAN of Virginia, Ms. NORTON, Mr. JACKSON of Illinois, Mr. DAVIS of Alabama, Mr. SMITH of Washington, Mr. KIND, Mrs. TAUSCHER, Mr. CROWLEY, Mr. RUSH, Mr. HARE, Mr. HIGGINS, Mr. BRALEY of Iowa, Mr. SNYDER, Mr. MEEKS of New York, and Mr. CLEAVER):

H.R. 2147. A bill to amend titles XXI and XIX of the Social Security Act to extend the State Children's Health Insurance Program (SCHIP) and streamline enrollment under SCHIP and Medicaid and to amend the Internal Revenue Code of 1986 to provide for a healthy savings tax credit for purchase of children's health coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 2148. A bill to amend the Internal Revenue Code of 1986 to provide a 15-year recovery period for property used in the transmission or distribution of electricity for sale; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2149. A bill to amend title XVIII of the Social Security Act to waive the late enrollment penalty under the Medicare part D benefit for certain months for individuals who are first eligible to enroll for such benefit for 2006 or 2007 and who enroll by the end of the first annual, coordinated election period following their initial enrollment period, to limit the amount of such penalty, and to require the Secretary of Health and Human Services to conduct a study on such penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 2150. A bill to authorize appropriations to provide for South Pacific exchanges; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H.R. 2151. A bill to provide technical and other assistance to countries in the Pacific region through the United States Agency for International Development; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H.R. 2152. A bill to authorize appropriations to provide Fulbright Scholarships for Pacific Island students; to the Committee on Foreign Affairs.

By Mr. GORDON:

H.R. 2153. A bill to recognize and enhance the contributions of the National Aeronautics and Space Administration to the Nation's competitiveness in the 21st Century, and for other purposes; to the Committee on Science and Technology.

By Ms. HERSETH SANDLIN (for herself, Mr. FORTENBERRY, and Ms. KAPTUR):

H.R. 2154. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 2155. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mr. CARNEY, Mr. RYAN of Ohio, Mr. HODES, Mr. BISHOP of New York, Mr. MOORE of Kansas, and Mr. PERLMUTTER):

H.R. 2156. A bill to require a clear accounting of the combat proficiency of the security forces of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Illinois:

H.R. 2157. A bill to amend title XVIII of the Social Security Act to provide that certain facilities located in areas designated as rural areas before January 1, 2000, qualify as rural health clinics regardless of whether or not such areas remain so designated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Texas, Mr. REYNOLDS, Mr. CANTOR, Mr. GRAVES, and Mr. BUCHANAN):

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mrs. McMORRIS RODGERS):

H.R. 2159. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. PASCRELL, and Mr. GOODE):

H.R. 2160. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 2161. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during

the Vietnam War; to the Committee on Armed Services.

By Mrs. LOWEY (for herself, Mr. HALL of New York, and Mr. HINCHEY):

H.R. 2162. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Mr. MACK (for himself, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. ALEXANDER, Mr. BONNER, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. FEENEY, Mrs. BONO, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, and Mr. CAMPBELL of California):

H.R. 2163. A bill to amend the Internal Revenue Code of 1986 to expand incentives for saving; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. REYNOLDS, Mr. ALLEN, Mr. PICKERING, and Mr. ENGLISH of Pennsylvania):

H.R. 2164. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas (for himself, Mrs. MCCARTHY of New York, Ms. SHEA-PORTER, Mr. HARE, Mr. MANZULLO, Mr. POE, and Mr. RAMSTAD):

H.R. 2165. A bill to establish a grant program to assist in the provision of safety measures to protect social workers and other professionals who work with at-risk populations; to the Committee on Education and Labor.

By Mr. MORAN of Kansas (for himself, Mr. STUPAK, and Mr. MOORE of Kansas):

H.R. 2166. A bill to amend the Elementary and Secondary Education Act of 1965 to improve the method of determining adequate yearly progress, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsylvania, Mr. EMANUEL, Mr. LARSON of Connecticut, and Ms. SCHWARTZ):

H.R. 2167. A bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2168. A bill to authorize the Secretary of Health and Human Services to establish a dental education loan repayment program to encourage dentists to serve at facilities with a critical shortage of dentists in areas with a high incidence of HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. BLUMENAUER, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. FARR, Mr. LANGEVIN, Mr. SIREN, Mr. GRIJALVA, Mr. PAYNE, Mr. HINCHEY, Mr. GUTIERREZ, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. DELAHUNT, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. HONDA, Mr.

SMITH of Washington, Mr. CONYERS, Mr. MILLER of North Carolina, Mr. HARE, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. SCHIFF, Mr. KUCINICH, Mr. SERRANO, Mr. MCGOUGH, Mr. MCGOVERN, Mr. MEEHAN, Mr. STARK, Mr. COOPER, Mr. GILCHREST, Mr. MCNERNEY, Mr. INSLEE, Mr. DEFAZIO, Mr. KENNEDY, Mr. McNULTY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. ROTHMAN, Mr. TIERNEY, Mr. McDERMOTT, Mr. YARMUTH, Mr. RUSH, Mr. CUMMINGS, Mr. PLATTS, Mr. CLAY, Mr. HODES, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ALLEN, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Mr. KILDEE, Ms. LEE, Ms. DELAURO, Mr. SHULER, and Mr. SPRATT):

H.R. 2169. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE (for himself and Mr. RADANOVICH):

H.R. 2170. A bill to prevent any individual who has been convicted of a sexual offense involving a minor from serving in the Department of the Interior or the Department of Agriculture; to the Committee on Oversight and Government Reform.

By Mr. REYES:

H.R. 2171. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for disclosure to consumers of the fuels and sources of electric energy purchased from electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES:

H.R. 2172. A bill to amend title 38, United States Code, to require that all Department of Veterans Affairs orthotic-prosthetic laboratories, clinics, and prosthetists are certified by either the American Board for Certification in Orthotics and Prosthetics or the Board of Orthotics and Prosthetic Certification, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself and Mrs. NAPOLITANO):

H.R. 2173. A bill to amend title 38, United States Code, to authorize additional funding for the Department of Veterans Affairs to increase the capacity for provision of mental health services through contracts with community mental health centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

H.R. 2174. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. WHITFIELD):

H.R. 2175. A bill to amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen's groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 2177. A bill to establish certain requirements relating to area mail processing

studies; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself and Mr. GINGREY):

H.R. 2178. A bill to amend the Clean Air Act to require that, after 5 years, all diesel fuel sold to consumers in the United States for motor vehicles contain not less than 2 percent bio-fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota:

H.R. 2179. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish traumatic brain injury centers; to the Committee on Veterans' Affairs.

By Mr. MEEKS of New York (for himself, Ms. CORRINE BROWN of Florida, Ms. LORETTA SANCHEZ of California, Mr. JEFFERSON, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. HINOJOSA, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. CUELLAR, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. WEINER, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. AL GREEN of Texas, Mr. WYNN, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. FATTAH, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. KUCINICH, Ms. WATSON, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. ACKERMAN, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. CLYBURN, Mr. BACA, Mr. CROWLEY, Mr. CONYERS, Mr. SERRANO, Mr. LEWIS of Georgia, Ms. CARSON, Mr. ELLISON, Mr. GUTIERREZ, Ms. WATERS, Mr. WATT, Mrs. LOWEY, Ms. VELÁZQUEZ, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mr. ROTHMAN, Mr. DELAHUNT, Mr. WEXLER, Mr. GRIJALVA, Mr. SIREN, Mr. CLAY, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. CLARKE, and Ms. NORTON):

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 141. Concurrent resolution honoring the life of Betty Shabazz; to the Committee on Oversight and Government Reform.

By Mr. SHAYS (for himself, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. DEFAZIO, Mr. MOORE of Kansas, and Mr. KIRK):

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL:

H. Res. 368. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. BERKLEY:

H. Res. 369. A resolution supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month; to the Committee on Energy and Commerce.

By Mr. ALTMIRE (for himself, Mrs. MCCARTHY of New York, Mr. KUCINICH, Ms. SHEA-PORTER, and Mr. HOLDEN):

H. Res. 371. A resolution in observance of National Physical Education and Sports Week; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. GOODLATTE, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. HERGER, Mr. PENCE, Mr. KING of Iowa, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. ISSA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. FOX, Mrs. MYRICK, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. PAUL, Mrs. MUSGRAVE, Ms. FALLIN, Mr. CAMPBELL of California, Mr. AKIN, Mr. GOHMERT, Mr. LAMBORN, Mr. MILLER of Florida, Mr. CHABOT, Mr. FORBES, Mr. CANNON, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. BOOZMAN, Mr. TERRY, Mr. WILSON of South Carolina, Mr. CANTOR, Mr. FORTUÑO, Mr. MACK, Mr. BLUNT, Mr. SULLIVAN, Mr. GALLEGLY, Mr. GOODE, Mr. TIAHRT, Mr. PITTS, Mr. WELDON of Florida, Mr. CARTER, Mr. POE, and Mr. INGLIS of South Carolina):

H. Res. 372. A resolution expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. PALLONE, Mr. MCGOVERN, Ms. WATSON, Mr. BROWN of South Carolina, Mr. SARBANES, Mr. McNULTY, and Mr. SPACE):

H. Res. 373. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

By Mr. RUPPERSBERGER (for himself and Mr. FARR):

H. Res. 374. A resolution congratulating and commending Free Comic Book Day as an enjoyable and creative approach to promoting literacy and celebrating a unique American art form; to the Committee on Oversight and Government Reform.

By Mr. WESTMORELAND (for himself, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. DEAL of Georgia, Mr. GINGREY, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 375. A resolution honoring United Parcel Service and its 100 years of commitment and leadership in the United States; to the Committee on Transportation and Infrastructure.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:

H.R. 2180. A bill for the relief of Adela and Darryl Bailor; to the Committee on the Judiciary.



By Mr. McDERMOTT:

H.R. 2181: A bill for the relief of Mohiuddin A. K. M. Ahmed; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 2182: A bill for the relief of Elvira Arellano, Juan Carlos Arreguin, Martin Guerrero Barrios, Maria I. Benitez, Francisco J. Castro, Jaime Cruz, Martha Davalos, Herminion Davalos, Disifredo Adan Delvalle, Angel Espinoza, Veronica Lopez, Francisca Lino, Maria A. Martin, Juan Jose Mesa, Maria Natividad Loza, Blanca E. Nolte, Domenico Papaiani, Romina Perea, Juan Jose Rangel Sr., Dayron S. Rios Arenas, Araceli Contreras-Del Toro, Doris Oneida Ulloa, Bladimir I. Caballero, Arnulfo Alfaro, Consuelo and Juan Manuel Castellanos, Eliseo Pulido, Gilberto Romero, Maria Liliana Rua-Saenz, Aurelia and Tomas F. Martinez-Garcia, Flor Crisostomo; Fatuma Karuma, Stanislaw Rychtarczyk, Slobodan Radanovich, and Agustin Sanchez-Dominguez; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GEORGE MILLER of California and Mr. HARE.

H.R. 89: Mr. MICHAUD.

H.R. 111: Mr. FATTAH, Mr. THOMPSON of Mississippi, Mr. KLEIN of Florida, Mr. CARNAHAN, Mr. LAMPSON, Mr. DOGETT, and Mr. MORAN of Virginia.

H.R. 157: Mr. LANTOS.

H.R. 178: Ms. WATERS and Ms. SOLIS.

H.R. 180: Ms. SOLIS and Mr. MCINTYRE.

H.R. 197: Mr. ARCURI, Mr. COHEN, Mr. COURTNEY, Mr. GILCHREST, Mr. TIERNEY, and Mr. WEXLER.

H.R. 204: Mr. GRIJALVA.

H.R. 269: Mr. LoBIONDO, Mr. COLE of Oklahoma, Mr. MARSHALL, and Mr. ORTIZ.

H.R. 274: Mrs. DRAKE.

H.R. 281: Mr. DAVIS of Alabama.

H.R. 297: Ms. ESHOO.

H.R. 303: Mr. CHANDLER.

H.R. 346: Mr. TURNER.

H.R. 451: Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. GENE GREEN of Texas, Ms. ROS-LEHTINEN, and Mr. FILNER.

H.R. 463: Mr. RYAN of Ohio.

H.R. 549: Mr. TURNER.

H.R. 550: Mr. MORAN of Virginia, Mr. CAPUANO, Mr. SCHIFF, Ms. MCCOLLUM of Minnesota, Mr. POMEROY, Mr. MARSHALL, Mr. SMITH of Washington, Mr. PERLMUTTER, Mr. LEE, Mr. HOEKSTRA, and Mr. THOMPSON of California.

H.R. 551: Mr. DOOLITTLE, Mr. LAMPSON, Ms. WATSON, Mr. DREIER, Mr. BRADY of Texas, Mr. EDWARDS, and Mr. ISSA.

H.R. 563: Mr. CALVERT and Mr. SPACE.

H.R. 619: Ms. WOOLSEY, Mr. ISRAEL, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. OLVER, and Mr. DeFAZIO.

H.R. 636: Mr. TURNER.

H.R. 657: Ms. FOX, Mr. SPRATT, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. BAIRD, and Mr. HELLER.

H.R. 662: Ms. BORDALLO and Mr. ISSA.

H.R. 676: Mr. WELCH of Vermont.

H.R. 677: Ms. KAPTUR.

H.R. 687: Mr. WAXMAN, Mr. EMANUEL, Mr. MORAN of Virginia, and Mr. McCOTTER.

H.R. 691: Mr. GRIJALVA and Mr. TIM MURPHY of Pennsylvania.

H.R. 692: Ms. KAPTUR.

H.R. 695: Mr. TIERNEY and Ms. DeGETTE.

H.R. 718: Mr. KING of New York.

H.R. 725: Mr. WAMP.

H.R. 728: Mr. HARE.

H.R. 743: Mr. BURTON of Indiana.

H.R. 758: Mr. UPTON and Mr. FORTUÑO.

H.R. 779: Mr. MILLER of Florida.

H.R. 784: Mr. WELLER and Mr. PEARCE.

H.R. 809: Mr. MURTHA and Mr. PLATTS.

H.R. 881: Mr. DOOLITTLE.

H.R. 887: Mr. PAYNE.

H.R. 901: Mr. McNULTY.

H.R. 906: Mr. LANTOS, Mr. GILCHREST, Mr. INSLEE, and Mr. JONES of North Carolina.

H.R. 916: Mr. POE.

H.R. 939: Mr. DEAL of Georgia.

H.R. 943: Mr. DELAHUNT, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas.

H.R. 964: Mr. BUYER.

H.R. 971: Mr. HARE.

H.R. 992: Ms. SCHAKOWSKY and Mr. FARR.

H.R. 1011: Mrs. NAPOLITANO.

H.R. 1014: Mr. WELLER, Mr. ISRAEL, Mr. KIND, Mr. LANGEVIN, Mr. HARE, Mr. BURGESS, Mr. TIERNEY, and Ms. WATERS.

H.R. 1022: Mr. LANGEVIN and Mr. OLVER.

H.R. 1023: Mr. ROTHMAN, Mr. AKIN, Mr. McCOTTER, Mr. CRENSHAW, Mr. REHBERG, Mr. KERRY, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN.

H.R. 1028: Mr. MICHAUD.

H.R. 1049: Mr. PENCE.

H.R. 1061: Mr. STUPAK and Mrs. McMORRIS RODGERS.

H.R. 1076: Mr. CONAWAY.

H.R. 1091: Mr. HIGGINS, Mr. YOUNG of Florida, Mr. KELLER, and Mr. KLINE of Minnesota.

H.R. 1102: Mr. LAMPSON, Mr. WALZ of Minnesota, and Mr. RYAN of Ohio.

H.R. 1105: Mr. ALLEN.

H.R. 1108: Mr. KIND, Mr. CARNEY, Mrs. CAPITO, and Mr. UDALL of Colorado.

H.R. 1110: Mr. OLVER, Ms. HOOLEY, Mr. ROGERS of Alabama, Mr. HIGGINS, Mr. CARNAHAN, Ms. PRYCE of Ohio, Mrs. CUBIN, Mr. INGLIS of South Carolina, Mr. CAPUANO, Mr. SMITH of Texas, Mr. BOUCHER, Mr. WALDEN of Oregon, Mr. SOUDER, Mr. MARSHALL, Mr. KING of New York, Mrs. WILSON of New Mexico, Mr. STEARNS, Mr. CROWLEY, Mr. SARBANES, Mr. GARY G. MILLER of California, Mr. DEAL of Georgia, Mr. POMEROY, and Mr. CARTER.

H.R. 1112: Mr. FORTENBERRY and Mr. MILLER of Florida.

H.R. 1113: Mr. WAXMAN, Mr. SESSIONS, Mr. McDERMOTT, Mr. KENNEDY, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. TAYLOR, and Mr. GRIJALVA.

H.R. 1119: Ms. ROYBAL-ALLARD.

H.R. 1139: Mrs. BONO.

H.R. 1142: Mr. INSLEE, Mr. CARNEY, Mr. BLUMENAUER, Mr. REYES, Mr. TERRY, and Mr. COSTELLO.

H.R. 1147: Mr. WELLER.

H.R. 1157: Ms. KAPTUR, Mr. LATOURETTE, Mr. SCOTT of Virginia, and Mr. ARCURI.

H.R. 1177: Mr. MCINTYRE, Mr. HINCHEY, and Mrs. EMERSON.

H.R. 1192: Mr. BILIRAKIS, Mr. YARMUTH, Mr. KIRK, and Mr. YOUNG of Florida.

H.R. 1199: Mr. TERRY.

H.R. 1232: Mr. JOHNSON of Illinois.

H.R. 1239: Mr. MORAN of Kansas.

H.R. 1248: Mr. SIRES.

H.R. 1252: Ms. SHEA-PORTER, Mr. INSLEE, Mr. BRALEY of Iowa, and Mr. COURTNEY.

H.R. 1267: Mr. LEVIN, Mr. WILSON of Ohio, Mr. COSTA, Mrs. CUBIN, and Mr. KIND.

H.R. 1280: Ms. BERKLEY.

H.R. 1283: Mrs. DRAKE and Mr. HAYES.

H.R. 1293: Mr. BOOZMAN.

H.R. 1302: Mr. PRICE of North Carolina and Mr. MEEK of Florida.

H.R. 1303: Mr. MOORE of Kansas.

H.R. 1328: Mrs. WILSON of New Mexico.

H.R. 1350: Mr. ROGERS of Michigan.

H.R. 1398: Mr. FLAKE, Mr. REYNOLDS, Mr. SHUSTER, and Mr. NUNES.

H.R. 1399: Mr. BOREN and Mr. WELLER.

H.R. 1409: Mr. PAYNE.

H.R. 1415: Mr. GRIJALVA and Mr. MARKEY.

H.R. 1416: Mr. GRIJALVA and Mr. MARKEY.

H.R. 1419: Mr. HINOJOSA, Mr. CONAWAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BACHUS, Mr. HOLT, Mr. MILLER of Florida, Ms. MATSUI, Mr. ROHRBACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. REHBERG, Mr. FEENEY, Mr. STUPAK.

H.R. 1424: Mr. MITCHELL and Mrs. CAPITO.

H.R. 1439: Mr. ROGERS of Kentucky, Mr. TIERNEY, Mr. HULSHOF, and Mr. ISSA.

H.R. 1459: Mr. HINOJOSA, Mr. BOREN, Mr. MILLER of Florida, Mr. BUCHANAN, Mr. PAUL, and Mr. TOWNS.

H.R. 1461: Mr. HODES.

H.R. 1474: Mr. COSTELLO, Mr. MICHAUD, Mr. THOMPSON of Mississippi, and Ms. MATSUI.

H.R. 1475: Mr. HARE.

H.R. 1481: Mr. TERRY and Mr. POE.

H.R. 1494: Mr. GRIJALVA.

H.R. 1506: Mr. OBERSTAR and Ms. ROYBAL-ALLARD.

H.R. 1509: Mr. KIND and Mr. BLUMENAUER.

H.R. 1527: Mr. CUELLAR and Mr. GILLMOR.

H.R. 1543: Mr. MARIO DIAZ-BALART of Florida and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1560: Mr. RUSH.

H.R. 1567: Mr. CROWLEY, Mr. RUSH, Mr. JEFFERSON, and Mr. McNULTY.

H.R. 1584: Mr. ALLEN, Mr. SHUSTER, Mr. ALTMIRE, Mrs. MILLER of Michigan, Mr. KIRK, Mr. MILLER of Florida, Mr. DUNCAN, Mr. MICHAUD, and Mr. LATHAM.

H.R. 1588: Mr. MORAN of Kansas.

H.R. 1589: Mr. WELLER and Mr. PEARCE.

H.R. 1618: Ms. KAPTUR and Mr. KUHLMANN of New York.

H.R. 1619: Mr. WALBERG and Ms. KAPTUR.

H.R. 1623: Ms. CORRINE BROWN of Florida, Ms. SUTTON, and Mr. HARE.

H.R. 1645: Mr. JACKSON of Illinois, Ms. MCCOLLUM of Minnesota, and Mrs. CAPPS.

H.R. 1647: Mr. DENT, Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. WHITFIELD, Ms. HERSETH SANDLIN, and Mr. LANGEVIN.

H.R. 1649: Mrs. CUBIN.

H.R. 1653: Mr. RUSH.

H.R. 1660: Mr. HARE.

H.R. 1663: Mr. GRIJALVA, Mr. HIGGINS, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. PASTOR, and Ms. KAPTUR.

H.R. 1688: Ms. MCCOLLUM of Minnesota, Mr. LEWIS of Georgia, and Ms. WATERS.

H.R. 1700: Mr. SPACE, Ms. LORETTA SANCHEZ of California, Ms. DeGETTE and Mr. DAVIS of Illinois.

H.R. 1702: Mr. HARE, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. WATT, Mr. MEEKS of New York, Mr. WYNN, and Mr. OLVER.

H.R. 1707: Mr. PASTOR.

H.R. 1713: Mr. PASTOR, Mr. TIERNEY, and Mr. WEXLER.

H.R. 1721: Mr. BARROW, Mr. CARTER, Mrs. MCCARTHY of New York, and Ms. JACKSON-LEE of Texas.

H.R. 1727: Mr. KENNEDY, Mr. YARMUTH, Mr. GRIJALVA, Mr. GILCHREST, and Mr. WEXLER.

H.R. 1738: Mrs. MYRICK and Ms. SCHAKOWSKY.

H.R. 1745: Mr. GRIJALVA.

H.R. 1747: Mr. MCGOVERN, Ms. BALDWIN, Mr. ELLISON, and Ms. LEE.

H.R. 1758: Mr. CROWLEY.

H.R. 1764: Mr. ALLEN.

H.R. 1766: Mr. CASTLE.

H.R. 1768: Mr. LINCOLN DAVIS of Tennessee and Mr. LAMPSON.

H.R. 1773: Ms. WOOLSEY, Mr. HARE, Mr. POE, Mr. ENGLISH of Pennsylvania, and Mr. MOLLOHAN.

H.R. 1774: Mr. PLATTS and Mr. LEWIS of Kentucky.

H.R. 1783: Mr. BISHOP of New York, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. HARE, Mr. WILSON of Ohio, Mr. ELLSWORTH, Mrs. GILLIBRAND, and Mr. HALL of New York.  
H.R. 1801: Mr. ROTHMAN.

H.R. 1810: Mr. REYNOLDS and Mr. CAMP of Michigan.

H.R. 1818: Mr. HONDA, Ms. WATSON, and Mr. HINCHEY.

H.R. 1823: Mr. CLAY.

H.R. 1829: Mr. MARIO DIAZ-BALART of Florida and Mr. MILLER of Florida.

H.R. 1840: Mr. BECERRA.

H.R. 1841: Mr. LANTOS and Mr. WELCH of Vermont.

H.R. 1845: Mr. MCCOTTER, Mr. GOODE, and Mr. PRICE of North Carolina.

H.R. 1852: Mr. SIRES, Mr. SCHIFF, Mr. JEFFERSON, and Mr. RUSH.

H.R. 1853: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.

H.R. 1858: Mr. FLAKE.

H.R. 1889: Ms. HERSETH SANDLIN.

H.R. 1890: Mr. MCCOTTER.

H.R. 1892: Mr. SHIMKUS, Mr. BRADY of Texas, Mr. BURGESS, Mr. WELDON of Florida, and Mr. GINGREY.

H.R. 1907: Mr. GRIJALVA.

H.R. 1909: Mrs. BOYDA of Kansas.

H.R. 1927: Mr. TERRY.

H.R. 1932: Mr. KIND, Mr. HINCHEY, Mr. LANGEVIN, and Mr. GOHMERT.

H.R. 1933: Mr. SALAZAR.

H.R. 1940: Mr. MARCHANT, Mr. BILIRAKIS, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, and Mr. SHAYS.

H.R. 1941: Mr. CASTLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. KIRK, Mr. PITTS, and Mr. SMITH of New Jersey.

H.R. 1945: Mr. MORAN of Virginia and Ms. LEE.

H.R. 1947: Mr. WAXMAN.

H.R. 1957: Mr. WAXMAN, Mr. OLVER, Ms. WOOLSEY, Mrs. MALONEY of New York, and Mr. PAYNE.

H.R. 1964: Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. LEWIS of Georgia, and Mr. TIERNEY.

H.R. 1971: Ms. CARSON.

H.R. 1975: Mr. DELAHUNT.

H.R. 2005: Mr. KIND and Mr. CUELLAR.

H.R. 2017: Mr. RYAN of Ohio and Mr. WILSON of Ohio.

H.R. 2036: Mr. HOOLEY and Mr. KLEIN of Florida.

H.R. 2048: Mr. SHULER.

H.R. 2060: Mr. HIGGINS, Ms. FOXX, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LEWIS of Georgia, Mrs. McMORRIS RODGERS, Mr. MICHAUD,

Mr. FARR, and Mr. RYAN of Ohio.

H.R. 2074: Mr. SHAYS and Mr. FOSSELLA.

H.R. 2075: Mr. MCHUGH.

H.R. 2086: Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. SALI, Mr. WALBERG, Mr. MCHENRY, Mr. BILBRAY, and Mrs. BLACKBURN.

H.R. 2090: Ms. MCCOLLUM of Minnesota, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. AKIN, Mr. DOOLITTLE, Mr. CHABOT, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. MCHENRY, Mrs. MYRICK, Mr. GOODE, Ms. FALLIN, Mr. MARCHANT, Mr. SESSIONS, Mr. FEENEY, Mr. CAMPBELL of California, Mr. RYAN of Wisconsin, Mr. GINGREY, Mr. WELDON of Florida, Mr. BRADY of Texas, Mr. HERGER, Mr. LAMBORN, Mrs. BLACKBURN, Mrs. MUSGRAVE, and Mr. CARTER.

H.R. 2111: Mr. LATOURETTE.

H.J. Res. 9: Mr. MILLER of Florida and Mrs. CUBIN.

H.J. Res. 12: Mrs. CUBIN.

H.J. Res. 14: Mr. BRALEY of Iowa.

H. Con. Res. 49: Mr. FEENEY, Mr. FRELINGHUYSEN, and Mrs. LOWEY.

H. Con. Res. 70: Mr. TANNER and Mr. PRICE of North Carolina.

H. Con. Res. 85: Mr. McDERMOTT.

H. Con. Res. 117: Ms. BORDALLO, Mr. WAXMAN, Mr. FOSSELLA, and Mr. DOYLE.

H. Con. Res. 131: Mr. TANCREDO, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. CARTER, Mr. GINGREY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. LINDER, Mr. CONAWAY, Mr. FEENEY, Mr. HAYES, Mr. MCHENRY, Mr. RENZI, Mr. SMITH of Nebraska, Ms. FOXX, Ms. FALLIN, Mr. GOODE, Mrs. MYRICK, Mr. DOOLITTLE, Mr. JORDAN, Mr. PITTS, Mr. KLINE of Minnesota, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. HERGER, Mr. BRADY of Texas, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. CAMPBELL of California, Mr. CULBERSON, Mr. LUCAS, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. FERGUSON, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Mr. WESTMORELAND, and Mrs. BLACKBURN.

H. Con. Res. 133: Mr. TERRY.

H. Res. 49: Mr. WALBERG.

H. Res. 101: Mrs. LOWEY, and Ms. CARSON.

H. Res. 143: Mr. VAN HOLLEN.

H. Res. 151: Mr. FORTENBERRY, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. WATT, Ms. LEE, Mr. SNYDER, Mr. RANGEL, Mr. RUSH, Mr. BISHOP of Georgia, Mr. HINCHEY, Mr. MEEK of Florida, Mr. MCCOTTER, Ms. MATSUI, Mr. AL GREEN of Texas, Ms. KILPATRICK, and Ms. SHEA-PORTER.

H. Res. 189: Mr. ELLISON, Mrs. DAVIS of California, Mr. SKELTON, Mr. LEWIS of Georgia, and Mr. HARE.

H. Res. 223: Mr. NEUGEBAUER.

H. Res. 227: Mr. RUSH.

H. Res. 245: Ms. ZOE LOFGREN of California.

H. Res. 258: Mr. LEVIN.

H. Res. 259: Mr. CLEAVER.

H. Res. 264: Mr. BRALEY of Iowa.

H. Res. 281: Mr. HUNTER, Ms. BERKLEY, and Mr. WOLF.

H. Res. 282: Mr. BRADY of Pennsylvania, Mr. WELCH of Vermont, Mr. WEXLER, Mr. GERLACH, and Mr. BISHOP of New York.

H. Res. 290: Mr. EHLERS, Mr. HERGER, Mr. TIM MURPHY of Pennsylvania, Mr. SAXTON, Mr. BARTON of Texas, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mrs. BLACKBURN, Ms. FOXX, Mr. GOODE, Mr. GILCHREST, Mr. DAVID DAVIS of Tennessee, and Mr. MCCAUL of Texas.

H. Res. 296: Mr. WEXLER, Mr. GRIJALVA, Mr. LAMPSON, Mrs. BOYDA of Kansas, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. GERLACH, and Mr. KENNEDY.

H. Res. 313: Mr. WALZ of Minnesota and Mr. SPACE.

H. Res. 361: Ms. LEE, Mr. ENGEL, Mr. MCGOVERN, Mr. BERMAN, Ms. PELOSI, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. WAXMAN, Mr. GORDON, Ms. SLAUGHTER, Ms. MCCOLLUM of Minnesota, Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. LEWIS of Georgia, Mr. CONYERS, Ms. MATSUI, Mr. HOYER, Mr. BUYER, Mr. ALTMIRE, Mr. FARR, Ms. ESHOO, Mr. CLYBURN, Mrs. TAUSCHER, and Mr. MOORE of Kansas.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Bennie G. Thompson of Mississippi or a designee to H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.